

APPLICATION FOR APPROVAL OF
OLMSTED PLAZA ASSOCIATES AND
SUBPARCEL 1A ASSOCIATES LIMITED PARTNERSHIP
TO UNDERTAKE A PROJECT
IN BOSTON, MASSACHUSETTS UNDER
MASS. G.L. C. 121A, AS AMENDED AND
ST. 1960, C. 652

OCTOBER 18, 1991

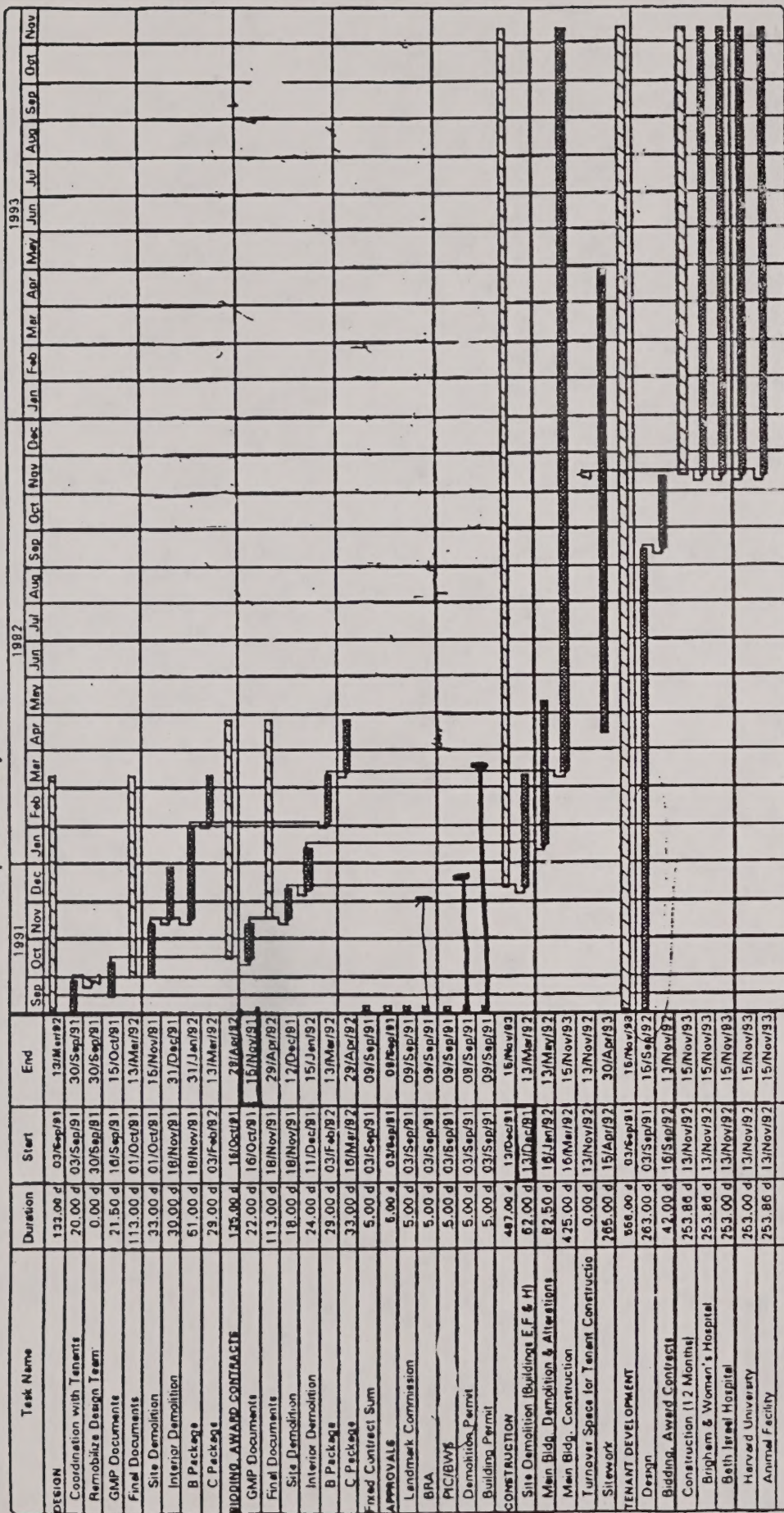
VOLUME III OF III



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OLMSTED PLAZA Proposed Project Schedule



DEVELOPMENT IMPACT PROJECT AGREEMENT
INCLUDING PROVISIONS FOR THE JOBS CONTRIBUTION GRANT
FOR
PLANNED DEVELOPMENT AREA NO. 36
OLMSTED PLAZA

WHEREAS, THIS AGREEMENT, dated as of December 13, 1989 between the BOSTON REDEVELOPMENT AUTHORITY (hereinafter "Authority"), a body politic and corporate created pursuant to Chapter 652 of the Acts of 1960, as amended, acting in its capacity as the planning board for the City of Boston, and OLMSTED PLAZA ASSOCIATES, a Massachusetts general partnership formed under the laws of the Commonwealth of Massachusetts, consisting of JMB/Olmsted Limited Partnership, an Illinois general partnership, with JMB Realty Corporation, a Massachusetts corporation, as its general partner, and Macomber Olmsted Plaza Associates Limited Partnership, a Massachusetts limited partnership with Macomber Development Associates, a Massachusetts corporation, as its general partner, with an address c/o JMB/Urban Development Company, Four Copley Place, Suite 600, Boston, MA 02116, its successors and assigns (hereinafter "Applicant"); the Authority and Applicant, collectively, shall be referred to herein as the parties.

WITNESSETH:

WHEREAS, the Applicant wishes to undertake the development of a certain parcel of land in the City of Boston bounded by Park Drive, Brookline Avenue, Fullerton Street, and the Riverside or "D" branch of the MBTA Green Line (hereinafter the "Site"), as more particularly described in Exhibit A attached hereto;

WHEREAS, the Applicant submitted to the Authority an Application Letter for designation as Planned Development Area Number 36 dated October 24, 1989, as supplemented November 9, 1989, requesting approval of a Development Plan and Development Impact Project Plan (hereinafter the "Development Plan") for the Site;

WHEREAS, the Applicant proposes to construct on the Site a mixed-use development (the "Project"), including one or more of the uses set forth in the Development Plan in two or more phases, the Project to consist of (a) the rehabilitation of the existing Sears Building on the Site and the construction of a multi-story building to be used as a parking garage ("Phase 1") and (b) the construction of up to two additional multi-story buildings (the "Brookline Avenue Building" and the "Park Drive Building") (each such building being referred to hereinafter as "Building");

WHEREAS, the Development Plan was approved by the Authority on November 30, 1989 (the "Vote"), after a public hearing at its meetings held on November 16, 1989 and November 30, 1989, notice of which was published in The Boston Herald on November 10, 1989, a certified copy of which Vote is attached hereto as Exhibit B.

WHEREAS, the Applicant recognizes that the construction of the Project may have an indirect impact on the costs of housing in the City of Boston (the "City");

WHEREAS, the Applicant recognizes that the construction of the Project may result in the creation of new jobs, which in turn may require the creation of new job training programs or the expansion of existing programs;

WHEREAS, the Project constitutes a Development Impact Project as defined in Section 26A-2(1) of Article 26 of the Boston Zoning Code and Section 26B-2(1) of Article 26B of the Boston Zoning Code;

WHEREAS, the Neighborhood Housing Trust (the "Neighborhood Housing Trust") as referred to in Article 26 of the Boston Zoning Code has been created by Declaration of Trust dated November 19, 1985 pursuant to an Ordinance Establishing The Neighborhood Housing Trust passed by the City Council on May 21, 1986 and approved by the Mayor on July 6, 1986; and

WHEREAS, the Neighborhood Jobs Trust (the "Neighborhood Jobs Trust") as referred to in Article 26B of the Boston Zoning Code has been created by Declaration of Trust pursuant to an Ordinance Establishing The Neighborhood Jobs Trust passed by the City Council on August 19, 1987 and approved by the Mayor on September 8, 1987.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties hereto agree as follows:

ARTICLE 1. DEVELOPMENT PLAN AND DEVELOPMENT IMPACT PROJECT PLAN

1.1 Development Plan and Development Impact Project Plan. The parties hereby acknowledge that the Applicant submitted to the Authority the Development Plan, a copy of which is attached hereto as Exhibit C and hereby incorporated by reference, that the Development Plan includes a Development Impact Project Plan as required by Section 26A-3 of Article 26A and Section 26B-3 of Article 26B of the Boston Zoning Code and that after a public

hearing held on November 16, 1989 and November 30, 1989, notice of which was published in The Boston Herald on November 10, 1989, the Authority approved the Development Plan on November 30, 1989 pursuant to and in accordance with the Boston Zoning Code.

ARTICLE 2. LINKAGE PAYMENT

2.1 Linkage Payment. The Applicant shall be responsible, in accordance with and subject to the terms of this Agreement, for a Development Impact Project Contribution (hereinafter "Linkage Payment") as such term is defined in Section 26A-2(3) of Article 26A of the Boston Zoning Code, in the amount as calculated and set forth in Section 2.5 of this Agreement. The Applicant may, at its option, satisfy its obligation for the Linkage Payment, in whole or in part, by contributing to the creation of housing units for occupancy exclusively by low and moderate income residents of the City of Boston, as described in Section 2.2 of this Agreement (hereinafter "Housing Creation Option"), or by payments made in accordance with Section 2.3 of this Agreement (hereinafter "Housing Payment Option") or by a combination of both the Housing Creation Option and the Housing Payment Option, as described in Section 2.4 of this Agreement.

2.2 Housing Creation Option. Subject to the approval of the Neighborhood Housing Trust and the Authority on or before the Construction Commencement Date (as hereinafter defined in Section 2.7 hereof) for the initial Building, the Applicant hereby elects to create or contribute to the creation of housing units for occupancy exclusively by low and moderate income residents of the

City pursuant to the Authority's Housing Creation Regulations adopted by the Authority pursuant to Section 26A - 2.3(a) of Article 26A of the Boston Zoning Code ("Housing Creation Regulations"). In accordance with the Housing Creation Regulations, the Applicant shall submit a proposal in writing to the Authority no later than 120 days after approval of the Development Plan by the Boston Zoning Commission (the "Proposal Date"). Such proposal approved in accordance with the Authority's Housing Creation Regulations adopted by the Authority pursuant to Section 26A-2.3(a) of Article 26A of the Boston Zoning Code (hereinafter "Housing Creation Regulations") shall satisfy the provisions of Section 26A-2.3(a) of Article 26A of the Boston Zoning Code. The Applicant pledges compliance with the Housing Creation Regulations. The proposal shall be subject to the approval of the Neighborhood Housing Trust and the Authority after public notice and hearing.

Subject to the approval of the Neighborhood Housing Trust and the Authority on or before the Construction Commencement Date (as hereinafter defined), the Applicant may elect to create or contribute to the creation of housing units for occupancy exclusively by low and moderate income residents of the City pursuant to the Authority's Housing Creation Regulations by the contribution to the Neighborhood Housing Trust of a Linkage Payment with respect to Phase 1 in a lump sum payment, which shall be due and payable upon the issuance of a building permit for construction (but not demolition) of any portion of Phase 1 (the "Construction Commencement Date"), in an amount equal to Net

Present Value as defined below and calculated in accordance with the Housing Creation Regulations, of the Linkage Payment which would otherwise be paid in twelve (12) equal annual installments. Such Linkage Payment shall be discounted to represent the present value of such twelve (12) equal annual installments if paid in a lump sum payment on the Construction Commencement Date.

One-twelfth (1/12) of the total Linkage Payment with respect to any subsequent Building, as calculated in accordance with Section 2.5, shall be due and payable upon the issuance of a building permit for construction of any such subsequent Building. On each of the following eleven (11) anniversary dates of the issuance of such building permit, an additional one-twelfth (1/12) of the total Linkage Payment for that Building shall be due and payable. In the event that the Linkage Payment is paid as set forth in the preceding sentence, the Applicant shall provide for the benefit of the Neighborhood Housing Trust one or more letters of credit in the aggregate amount of ten-twelfths (10/12) of the amount of the Linkage Payment. Such letters of credit shall be assignable and shall be provided to the Neighborhood Housing Trust within thirty (30) days of the first anniversary of the applicable initial payment. Applicant may provide such letter or letters of credit having expiration dates earlier than the expiration of the ten-year period during which subsequent installments of the Linkage Payment are required in accordance with said Article 26A, provided that such letters of credit authorize the Neighborhood Housing Trust to draw upon them if not replaced at least thirty (30) days prior to their expiration date. The principal amount of such

letter or letters of credit may be reduced by the Applicant after payment by the Applicant of any installment of the Linkage Payment, such principal reduction to be in an amount equal to the payment then made by the Applicant. The Authority will take all steps necessary to enable the Applicant to implement such reduction, including providing its written consent to any amendment to such letter or letters of credit, if required by the issuer thereof, or the exchange of the letter or letters of credit held by the Authority for one or more substitute letters of credit having the reduced principal amount. The reasonable cost of obtaining such letter or letters of credit shall be credited against the Applicant's Linkage Payment, subject to obtaining the approval of the Neighborhood Housing Trust and the Authority.

For purposes of this Agreement, "Net Present Value" shall be defined as the value of an amount of money equal to the sum of discounted payments which would have been made by the Applicant had the Applicant elected to satisfy its obligations under Article 26 of the Boston Zoning Code through the Housing Payment Option for each building, such discounting to be measured from the date on which the Applicant enters into its Housing Creation Agreement with the Authority through the date on which the final installment of the Housing Payment would have been due had such Payment been made in installments in accordance with Article 26A. Net Present Value shall be determined by applying a composite discount rate to the payments that the Applicant would have made under the Housing Payment Option. The discount rate shall be nine and one-half percent ($9\frac{1}{2}\%$).

2.3 Housing Payment Option. If the Neighborhood Housing Trust and the Authority shall not have approved the Applicant's election of the Housing Creation Option as set forth in Section 2.2 hereof on or before the Proposal Date, the Applicant shall pay with respect to Phase 1 on or before the Construction Commencement Date, an amount equal to the Net Present Value calculated in accordance with Section 2.2 above. Payments with respect to subsequent phases of development shall be payable as set forth in Section 2.2 hereof. Said payments shall be paid to the Collector-Treasurer of the City as managing trustee of the Neighborhood Housing Trust. In the event any Linkage Payment is not made in a timely manner as provided herein, the Applicant shall pay interest thereon at the rate of 1.5% per month, commencing on the applicable date when payment should have been received by the Collector-Treasurer of the City and ending on the date when the Collector-Treasurer of the City receives payment.

2.4 Conversion to Housing Creation Option After Proposal Date. If, after the Proposal Date the Applicant shall desire to elect the Housing Creation Option, the Applicant shall submit a proposal for the Housing Creation Option in writing to the Authority. Such proposal, if approved by the Neighborhood Housing Trust and the Authority and performed by the Applicant, shall satisfy the obligation of the Applicant to make any payment under the Housing Payment Option subject to the Housing Creation Option and shall satisfy the provisions of the Housing Contribution requirement for the Project.

2.5 Calculation of Linkage Payment. The parties hereby acknowledge that the Project includes four Buildings and will be developed in phases. Some or all of the Buildings will include certain uses enumerated in Table D of Article 26A of the Boston Zoning Code as in existence on the date hereof (hereinafter "Table D Uses"), as more particularly set forth in the Development Plan. None of the uses enumerated shall be considered manufacturing uses as that term is defined in Article 26A of the Boston Zoning Code for purposes of calculating the Applicant's linkage obligations. The calculation of Linkage Payments for each Building in the Project shall be made independently of the calculation of Linkage Payments for each of the other Buildings. It is anticipated that, in some of the Buildings, the gross floor area (calculated pursuant to Section 2-1(21) of the Boston Zoning Code) of the Building devoted to one or more such uses in the aggregate will exceed one hundred thousand (100,000) square feet (such Buildings hereinafter referred to as "Linkage Buildings"). Linkage Payments shall be required only in connection with Linkage Buildings and not in connection with any other Building or in connection with improvements to the Site. The amount of Linkage Payments referred to in Section 2.1 of this Agreement shall equal \$5.00 for each square foot of gross floor area in excess of the first one hundred thousand (100,000) square feet of gross floor area devoted to one or more Table D Uses. Such exception for the first one hundred thousand (100,000) square feet of gross floor area devoted to Table D Uses shall be applied to the Project only once and shall exempt only a total of one hundred thousand

(100,000) square feet of gross floor area devoted to Table D Uses for the Project as a whole. The gross floor area devoted to Table D Uses shall be calculated and certified by the Project Architect (as identified in the Plan) for each building in accordance with Section 2-1(21) of the Boston Zoning Code. In calculating the amount of Linkage Payments, below-grade and above-grade parking shall not be considered "ancillary or accessory to the uses listed in Table D" within the meaning of Section 26A-3(2)(a) of the Boston Zoning Code and thus shall not be included in calculation of gross floor area subject to Linkage Payments.

Although it is anticipated that the gross floor area of the Project calculated in accordance with the Boston Zoning Code and devoted to one or more Table D Uses in the aggregate will exceed 100,000 square feet, the exact gross floor area of the Buildings to be devoted to such uses have not been finally established. However, based upon the drawings for the Project submitted with the Plan, the gross floor area of the Buildings included in Phase 1 devoted to Table D Uses will approximate a total of 907,000 square feet. The total amount of the Linkage Payment, calculated at the rate of \$5.00 for each square foot of gross floor area in excess of 100,000 square feet devoted to one or more Table D Uses, will approximate a total of \$4,035,000. Based upon the drawings submitted with the Development Plan, the gross floor area devoted to Table D Uses for the remaining Buildings on the Site will approximate 316,000 square feet and 223,000 square feet respectively. The total amount of the Linkage Payment, calculated at the rate of \$5.00 for each square foot of gross floor area

devoted to one or more Table D Uses for these Buildings will approximate a total of \$1,580,000 and \$1,115,000 respectively. The parties hereby acknowledge that the amount of the Linkage Payment as calculated above is based upon gross floor areas as estimated in the Development Plan. Prior to the issuance of a Certificate of Occupancy for each Building, the Applicant shall submit a statement of the final gross floor area for the each Building as certified by the Project Architect (as defined in the Development Plan). If the gross floor area, as defined in Section 2-1(21) of Article 2 of the Boston Zoning Code and as certified by the Project Architect (as identified in the Plan) for each Building differs from the estimates on which payments are made, the Applicant shall adjust the amount of the Linkage Payment for each Building in accordance with Article 26A of the Boston Zoning Code to reflect the change in gross floor area.

2.6 Recalculation. The Authority hereby agrees that, subject to the final calculation provisions of Section 2.5 of this Agreement, any change in the formula (amount or rate of payment) for the calculation of the Linkage Payment as set forth in Section 26A-3(2) of Article 26A of the Boston Zoning Code and otherwise, or any change in the definition of "gross floor area" in Section 2-1(21) of Article 2 of the Boston Zoning Code or other changes in the Boston Zoning Code after the date hereof, shall not in any way increase the Linkage Payment determined in accordance with Section 2.5 of this Agreement or decrease the period over which Linkage Payments are to be made.

2.7 Notice of Linkage Payment. Upon execution of this Agreement, the Authority will notify the Trustee of the Neighborhood Housing Trust of such execution.

The Authority shall review the Applicant's determination of the final gross floor area of each Building in the Project. If the Authority confirms the Applicant's determination, it shall so certify and forward the same to the ISD with a copy to the Trustee of the Neighborhood Housing Trust.

2.8 Project Address:

a) Project address(es) as listed on the building permit application is (are):

201 Brookline Avenue
1 Fullerton Street
401 Park Drive
175 Brookline Avenue

b) Building application numbers are:

#1252, 1253, 1254 and 1255.

2.9 Credit Towards Linkage Payment. If the City of Boston should hereafter impose, assess, or levy any excise or tax upon any Building in the Project, the proceeds of which are dedicated, in whole or in part, to the establishment of a fund for the purposes substantially the same as the purposes recited in Section 26A-1 of Article 26A of the Boston Zoning Code, amounts payable hereunder by Applicant for any building in the Project shall be credited against such excise or tax; provided, however, that if such crediting shall not be legally permissible to satisfy payment of such tax or excise, the obligations of the Applicant

hereunder for the Project shall, to the extent of the amount of such tax or excise, thereupon cease and be of no further force and effect.

ARTICLE 3. JOBS CONTRIBUTION GRANT

3.1 Jobs Payment. The Applicant shall be responsible, in accordance with the terms of this Agreement, for a Jobs Contribution Grant (hereinafter "Jobs Payment") as such term is defined in Section 26B-2(3) of Article 26B of the Boston Zoning Code, in the amount as calculated and set forth herein. The Applicant may, at its option, satisfy its obligation for the Jobs Payment, in whole or in part, by contributing to the creation of a jobs training proposal, as described in Section 3.2 of this Agreement (hereinafter, "Jobs Creation Option"), or by payment made in accordance with Section 3.3 of this Agreement (hereinafter, "Jobs Payment Option) or by a combination of both the Jobs Creation Option and the Jobs Payment Option.

3.2 Jobs Creation Option. Subject to the approval of the Neighborhood Jobs Trust and the Authority on or before the Construction Commencement Date (as hereinbefore defined in Section 2.7 hereof) for the initial Building, the Applicant may elect to create or contribute to the creation of a jobs training program for use by low and moderate income people pursuant to the Authority's Jobs Creation Regulations adopted by the Authority pursuant to Section 26B - 2.3(a) of Article 26B of the Boston Zoning Code ("Jobs Creation Regulations"). If the Applicant chooses the Job Creation Option, in accordance with the Jobs Creation Regulations, the Applicant shall submit a proposal in

writing to the Authority no later than 120 days after approval of the Development Plan by the Boston Zoning Commission (the "Proposal Date"). Such proposal approved in accordance with the Guide to the Neighborhood Jobs Trust dated April, 1988 (hereinafter "Jobs Creation Regulations") shall satisfy the provisions of Section 26B-2.3(a) of Article 26B of the Boston Zoning Code. The Applicant pledges compliance with the Jobs Creation Regulations. The proposal shall be subject to the approval of the Neighborhood Jobs Trust and the Authority after public notice and hearing.

Subject to the approval of the Neighborhood Jobs Trust and the Authority on or before the Construction Commencement Date (as hereinafter defined), the Applicant may elect to create or contribute to the creation of a job training program for workers who will be employed on a permanent basis at the Project pursuant to the Authority's Jobs Creation Regulations by the contribution to the Authority of a Jobs Payment in a lump sum payment, which shall be due and payable upon the issuance of a building permit for construction (but not demolition) of any portion of Phase 1 (the "Construction Commencement Date"), in an amount equal to Net Present Value, as defined below and calculated in accordance with the Jobs Creation Regulations, of the Linkage Payment which would otherwise be paid in two (2) equal annual installments. Such Linkage Payment shall be discounted to represent the present value of such two (2) equal annual installments if paid in a lump sum payment on the Construction Commencement Date.

For purposes of this Agreement, "Net Present Value" shall be defined as the value of an amount of money equal to the sum of discounted payments which would have been made by the Applicant had the Applicant elected to satisfy its obligations under Article 26 of the Boston Zoning Code through the Jobs Payment Option for each building, such discounting to be measured from the date on which the Applicant enters into its Jobs Creation Agreement with the Authority through the date on which the final installment of the Jobs Payment would have been due had such Payment been made in installments in accordance with Article 26B. For purposes of calculating Net Present Value, it shall be assumed that the building permit will be issued for the Sears Building in June, 1990, for the Brookline Avenue Building in June, 1992 and for the Park Drive Building in June, 1994. Net Present Value shall be determined by applying a composite discount rate to the payments that the Applicant would have made under the Housing Payment Option. The discount rate shall be nine and one-half percent ($9\frac{1}{2}\%$).

3.3 Jobs Payment Option. If the Neighborhood Jobs Trust and the Authority shall not have approved the Applicant's election of the Jobs Creation Option as set forth in Section 3.2 hereof on or before the Proposal Date, the Applicant shall pay on or before the Jobs Payment Date, an amount equal to the Net Present Value calculated in accordance with Section 3.5 below. The Jobs Payment shall be made to the Collector-Treasurer of the City of Boston, Room M-5, One City Hall Square, Boston, Massachusetts, 02201, as custodian (the "Collector-Treasurer"), pending acceptance of such

payments for the Neighborhood Jobs Trust by the City. The Authority hereby agrees that delivery of such payments to the Collector-Treasurer constitutes full satisfaction of the Applicant's obligation to make such payments.

3.4 Conversion to Jobs Creation Option After Proposal Date. If, after the Proposal Date the Applicant shall desire to elect the Jobs Creation Option, the Applicant shall submit a proposal for the Jobs Creation Option in writing to the Authority. Such proposal, if approved by the Neighborhood Jobs Trust and the Authority and performed by the Applicant, shall satisfy the obligation of the Applicant to make any payment under the Jobs Payment Option subject to the Jobs Creation Option and shall satisfy the provisions of the Jobs Contribution requirement for the Project.

3.5 Calculation of Jobs Payment. The parties hereby acknowledge that the Project includes four buildings and will be developed in phases. Some or all of the Buildings in the Project will include certain uses enumerated in Table E of Section 26B-3 of Article 26B of the Boston Zoning Code as in existence on the date hereof (hereinafter "Table E Uses"), including, without limitation, office, research and development, retail, educational, institutional, and hotel uses. Although it is anticipated that, in some of the Buildings, the gross floor area (calculated pursuant to Section 2-1(21) of the Zoning Code) of the Project devoted to one or more Table E Uses in the aggregate will exceed one hundred thousand (100,000) square feet, (hereinafter referred to as "Jobs Linkage Buildings"), the exact gross floor areas of

the buildings to be devoted to such uses have not been finally established. Jobs Payments shall be required only in connection with Jobs Linkage Buildings and not in connection with any other Buildings or in connection with improvements on the Site. The amount of the Jobs Payment shall equal \$1.00 for each square foot of gross floor area in excess of the first one hundred thousand square feet devoted to one or more Table E Uses. Such exception for the first one hundred thousand (100,000) square feet of gross floor area devoted to Table E Uses shall be applied to the Project only once and shall exempt only a total of one hundred thousand (100,000) square feet of gross floor area devoted to Table E Uses for the Project as a whole. The gross floor area devoted to Table E Uses shall be calculated and certified by the Applicant's architect for each Building in the Project in accordance with Section 2-1(21) of the Boston Zoning Code. In calculating the amount of Jobs Payments, below-grade and above-grade parking shall not be considered "accessory to the uses listed in Table E" within the meaning of Section 26B-3(1)(a) of the Boston Zoning Code and thus shall not be included in calculation of gross square area subject to Jobs Payments.

Based upon the drawings for the Project submitted with the Development Plan, said gross floor areas devoted to such uses will approximate a total of 1,446,000 square feet. The total amount of the Jobs Payment for the Buildings included in Phase 1, calculated at the rate of \$1.00 for each square foot of gross floor area in excess of 100,000 square feet devoted to one or more Table E uses, will approximate a total of \$807,000. The total amount of the

Jobs payment for later buildings in the project, calculated at the rate of \$1.00 for each square foot of gross floor area devoted to one or more Table E Uses, will approximate \$316,000 and \$223,000 respectively. The parties hereto acknowledge that the amount of the Jobs Payment as calculated above is based upon gross floor areas as estimated in the Development Plan. Prior to the issuance of the Certificate of Occupancy for each building in the Project, the Applicant shall submit a statement of the final gross floor area for that building as certified by the Project Architect (as identified in the Plan). If the gross floor area, as defined in Section 2-1(21) of Article 2 of the Boston Zoning Code and as certified by the Project Architect (as identified in the Development Plan) for the Project differs from the estimates on which payments are made, the Applicant shall adjust the amount of the Jobs Payment in accordance with Article 26B of the Boston Zoning Code to reflect the change in the gross floor area for that building.

3.6 Recalculation. The Authority hereby agrees that, subject to the final calculation provisions of Section 3.1 of this Agreement, any change in the formula (amount or rate of payment) for the calculation of the Jobs Payment as set forth in Section 26B-3(1) of Article 26B of the Boston Zoning Code and otherwise, or any change in the definition of "gross floor area" in Section 2-1(21) of Article 2 of the Boston Zoning Code or other changes in the Boston Zoning Code after the date hereof, shall not

in any way increase the Jobs Payment determined in accordance with Section 3.1 of this Agreement or decrease the period over which Linkage Payments are to be made.

3.7 Notice of Jobs Payment. Upon execution of this Agreement the Authority will notify the Trustee of the Neighborhood Jobs Trust of such execution.

3.8 Jobs Payment Date. The Jobs Payment Date shall be determined independently for each of the Buildings in the Project. The Jobs Payment for each of the Buildings for which Jobs Payments are due shall be made in two (2) equal annual installments. The first installment of the Jobs Payment for each Building shall be due on the date of issuance for the applicable Building of a building permit for the commencement of Substantial Construction. The remaining installment, for each Building, shall be due and payable without interest on the anniversary of the first payment.

3.9 Non-Accrual of Jobs Payment. If a building permit is not granted for any of the Building(s) in the Project, or if construction of any of the Building(s) in the Project is abandoned after a building permit is obtained and prior to the commencement of Substantial Construction, as defined in Section 2.7 of this agreement, thereof, or if a building permit for any of the Building(s) in the Project is revoked or lapses and is not renewed, then the Applicant shall have no responsibility for the Jobs Payment with respect to such Building.

3.10 Credit Toward Jobs Payment. If the City of Boston should hereafter impose, assess, or levy any excise or tax upon the Project or any part thereof, the proceeds of which are

dedicated, in whole or in part, to the establishment of a fund for the purposes substantially the same as the purposes recited in Section 26B-1 of Article 26B, amounts payable hereunder by Applicant for the Project or any part thereof shall be credited against such excise or tax; provided, however, that if such crediting shall not be legally permissible to satisfy payment of such tax or excise, the obligations of the Applicant hereunder shall, to the extent of the amount of such tax or excise, thereupon cease and be of no further force or effect.

ARTICLE 4. LIABILITY.

4.1 Assignability. This Agreement shall be binding upon and enforceable against the successors and assigns of the parties hereto (other than mortgagees of the Project or those claiming through mortgagees of the Project unless said party obtains title to the Project and proceeds with development of the Project), it being understood and agreed that the Applicant shall have a right to transfer or assign to another party or parties its rights and interests under this Agreement and in all or a portion of the Site.

4.2 Default. Each and every covenant contained in this Agreement is and shall be construed to be a separate and independent covenant applicable to each Component (as defined below) of the Project, and shall apply separately to each Component, and a default with respect to a particular Component under any section or provision of this Agreement shall not constitute a default with respect to any other Component. For

purposes of this Agreement, "Component" shall mean (i) any portion of the Project which is located on an individual lot, or (ii) any portion of such portion located on an individual lot which is independently financed.

4.3 Severability. If any term or provision of this Agreement, or the application thereof to any person or circumstance, shall to any extent be invalid and unenforceable, the remainder of this Agreement, or the application of such terms to persons or circumstances other than those to which it is invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and shall be enforced to the extent permitted by law.

4.4 Liability. The liability of the Applicant or its successors or assigns (including, without limitation, mortgagees) arising under this Agreement with respect to each Component (the "Component Developer") shall be limited solely to the assets and property of the Component Developer with respect to such Component, and no partner, venturer, trustee, beneficiary, shareholder, officer, director or the like of the Component Developer, from time to time, or any such person's or entity's separate assets or property shall have or be subject to any personal liability with respect to any obligation or liability of the Component Developer hereunder.

ARTICLE 5. MISCELLANEOUS PROVISIONS.

5.1 Amendments; Law to be Applied. If the parties hereto agree hereafter to amend this Agreement, such amendment shall be

in writing and executed by the parties hereto. This Agreement shall be governed by the laws of the Commonwealth of Massachusetts, and sets forth the entire agreement between the parties. This Agreement is binding and enforceable under contract law upon, and inures to the benefit of, the parties, their successors, assigns, and legal representatives, with respect to the project or any part thereof, including, without limitation, any successor owner or owners of the improvements for the Project or any part thereof, and the Neighborhood Housing Trust and the Neighborhood Jobs Trust as successors to the Authority, notwithstanding any subsequent amendment, or repeal of Article 26 or Article 26B of the Boston Zoning Code or court decision having the effect of an amendment or repeal of Article 26 or Article 26B of the Boston Zoning Code.

5.2 Capitalized Terms. The capitalized terms used herein without definition shall have the meanings ascribed in Article 2 or Article 26 or Article 26B of the Boston Zoning Code, unless otherwise provided.

5.3 Compliance with the Development Plan. The Authority hereby acknowledges approval of the Development Plan as voted by the Authority on November 30, 1989 as to the development concept, permitted uses and density. The Authority also acknowledges that, prior to approving the Development Plan pursuant to Sections 3-1A.a and 26-3.1 of the Boston Zoning Code, the Authority found that the Development Plan conforms to the general plan for the City as a whole and that nothing in the Development Plan will be injurious to the neighborhood or otherwise detrimental to the

public welfare. The Applicant hereby agrees to proceed with the Project in accordance with the Development Plan subject to final design, environmental and other development review by the Authority in accordance with the Authority's Development Review Procedures dated 1985, revised 1986, and other provisions of the approved Development Plan.

5.4 Knowledge of Laws. Applicant shall keep itself fully informed of all votes of the Authority, City ordinances, executive orders, and regulations, and state and federal law which in any manner affect the provisions of this Agreement. Applicant shall at all times observe and comply with said votes, ordinances, executive orders, regulations or laws, and the Applicant and its respective successors and assigns, shall protect and indemnify the City and the Authority, its officers, agents and employees against any claim or liability arising from or based upon the violations of such ordinances, executive orders, regulations or laws in effect on the date hereof caused by any negligent act or omission of the Applicant and its respective successors and assigns, its agents or employees.

5.5 Notice. All notices or other communications required or permitted to be given under this Agreement shall be in writing, signed by a duly authorized officer or representative of the Authority or the Applicant, as the case may be, and shall be either hand delivered or mailed postage pre-paid, by registered or certified mail, return receipt requested and shall be deemed given when delivered, if by hand, or when deposited with the U.S. Postal Service, if mailed to the principal office of the party to which

it is directed, which is as follows unless otherwise designated by written notice to the other party:

Applicant: Olmsted Plaza Associates
c/o JMB/Urban Development Company
Four Copley Place
Suite 600
Boston, Massachusetts 02116
ATTN: Mr. Patrick Lee

with a copy to: Hale and Dorr
60 State Street
Boston, MA 02109
ATTN: Vincent P. McCarthy, P.C.

Authority: Boston Redevelopment Authority
1 City Hall Square
Boston, MA 02201
ATTN: Director

with a copy to: Boston Redevelopment Authority
1 City Hall Square
Boston, MA 02201
ATTN: Chief General Counsel

5.6 Certification of Compliance. The Authority hereby agrees to assist the Applicant in obtaining from the Collector-Treasurer, upon satisfaction by the Applicant of its obligations under the Linkage Payment and Jobs Payment, or any installment thereto, within 10 business days after request by the Applicant, a certification in recordable form, that (i) said Linkage Payment or Jobs Payment, or both, as the case may be, has been satisfied by the Applicant and that the Applicant has no further liability for such Linkage Payment or Jobs Payment, or (ii) said Jobs Payment has been paid to date.

5.7 Satisfaction of Development Impact Project Requirements. The Authority hereby acknowledges that, by executing this Agreement, the Applicant has satisfied the requirements of Section 26A-3(2) of Article 26A and Section 26B-3(1) of

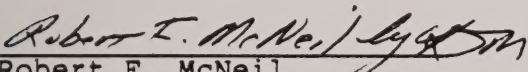
Article 26B of the Boston Zoning Code insofar as satisfaction of the requirements of those Sections are a precondition to the granting, allowing, or adopting of a variance, conditional use permit, exception, or zoning map or text amendment with respect to the Applicant's development of the Site.

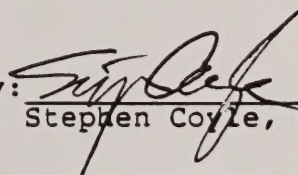
5.8 Titles. The captions of this Agreement, its articles and sections throughout this document are intended solely to facilitate reading and referencing its provisions. Such captions shall not affect the meaning or interpretation of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed in their behalf by their respective officers thereunto duly authorized as of the day and year first above set forth.

Approved as to form

BOSTON REDEVELOPMENT AUTHORITY

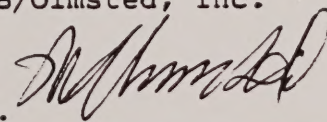

Robert F. McNeil
Chief General Counsel
Boston Redevelopment Authority

By: 
Stephen Coyle, Director

OLMSTED PLAZA ASSOCIATES,
a Massachusetts general partnership

By: JMB/Olmsted Limited
Partnership, its general
partner

By: JMB/Olmsted, Inc.


By: _____
Its:

By: Macomber Olmsted Plaza
Associates Limited Partnership

By: MOPA, Inc.

By: Byron Gilchrist
Its PRESIDENT

EXHIBIT A

A certain parcel of land in Boston, Suffolk County, Massachusetts known as [illegible] Property owned by [illegible] (exhibit begins on next page) [illegible] [illegible] prepared by Collins Engineering Co., Inc. Civil Engineers - Land Surveyors dated March 27, 1980 or to be recorded with Suffolk Registry of Deeds and described and described according to said plan as follows:

SOUTHEASTERNLY by Brookline Avenue, 188.11 feet;

SOUTHEASTERNLY,
SOUTHERLY and
SOUTHWESTERNLY

by the intersection of Brookline Avenue and Park Drive, 228.28 feet, 70.00 feet and 122.24 feet;

SOUTHWESTERNLY by Park Drive, 228.27 feet and 228.27 feet;

NORTHWESTERNLY by land now or formerly of Consolidated Rail Corporation, 228.27 feet and 228.27 feet; and

EASTERNLY,
NORTHEASTERNLY,
SOUTHEASTERNLY
and

NORTHWESTERNLY by three 110.8' in Fullerton Street and by Fullerton Street, measuring respectively 17.01 feet, 110.75 feet, 20.71 feet and 252.43 feet.

Said premises contain 287,525 square feet more or less or 6.60 acres according to said plan.

A certain parcel of land in Boston, Suffolk County, Massachusetts shown on a plan entitled "Plan of Property Owned By Sears Roebuck And Co. Brookline Avenue & Park Drive Boston Massachusetts" prepared by Cullinan Engineering Co., Inc. Civil Engineers - Land Surveyors dated March 20, 1989 to be recorded with Suffolk Registry of Deeds and bounded and described according to said plan as follows:

SOUTHEASTERLY by Brookline Avenue, 366.11 feet;

SOUTHEASTERLY,
SOUTHERLY and
SOUTHWESTERLY

by the intersection of Brookline Avenue and
Park Drive, 219.24 feet, 70.00 feet and 119.34
feet;

SOUTHWESTERLY by Park Drive, 307.97 feet and 258.42 feet;

NORTHWESTERLY by land now or formerly of Consolidated Rail
Corporation, 459.86 feet and 20.87 feet; and

EASTERLY,
NORTHEASTERLY,
SOUTHEASTERLY
and

NORTHEASTERLY by three lines in Fullerton Street and by
Fullerton Street, measuring respectively 37.55
feet, 118.29 feet, 20.71 feet and 452.43 feet.

Said premises contain 387,620 square feet more or less or
8.90 acres according to said plan.

EXHIBIT B

(exhibit begins on next page)

CERTIFICATE OF VOTE

The undersigned hereby certifies as follows:

(1) That he is the duly qualified Secretary of the Boston Redevelopment Authority, hereinafter called the Authority, and the keeper of the records, including the journal of proceedings of the Authority.

(2) That the following is a true and correct copy of a vote as finally adopted at a meeting of the Authority held on November 30, 1989, and duly recorded in this office:

Copies of a memorandum dated November 30, 1989, were distributed re: Public Hearing on a Development Plan and Development Impact Project Plan for Olmsted Plaza, which included a proposed vote.

The following persons addressed the Authority and answered the Members' questions:

Ms. Pam Wessling, Assistant Director;
Mr. Gerry Kavanaugh, Institutional Planner;
Commissioner Richard Dimino, Boston Transportation Department,
also introduced a letter from MDC Commissioner Barti;
Mr. Jack Mills, representing Councillor Scondras;
Ms. Delores Boogdanian, Co-Chair of KAFNI;
Ms. Elizabeth Connor, Co-Chair of KAFNI;
Mr. Byron Gilchrist, Macomber Development Associates;
Mr. Ruddy Olmscheid, JMB;
Mr. John Reardon, Mayor's Office of Neighborhood Services,
read a letter from Mayor Raymond L. Flynn into the record;
Ms. Susan Parks, Boston Preservation Alliance;
Mr. Bradford Allan, Harvard Community Health Plan;
Mr. Mark Preemack; Boston Green Space Alliance; and
Mr. Richard Shea, V.P., MASCO.

No one appeared in opposition.

A letter from Larry Dwyer, Commissioner, Boston Parks Department was introduced into the record.

On motion by Ms. Thornell and seconded by Mr. Flaherty, it was unanimously

VOTED: To amend the proposed vote to contain the following language:

"To set a voluntary goal of at least ten percent participation by minority business enterprises; women business enterprises; and disadvantaged business enterprises in the professional services and other contract entered into for the Olmsted Plaza Project."

A Resolution entitled, "RESOLUTIONS OF THE BOSTON REDEVELOPMENT

AUTHORITY REGARDING OLMSTED PLAZA DEVELOPMENT PLAN AND DEVELOPMENT
IMPACT PROJECT PLAN" was introduced, read and considered.

On motion duly made and seconded, it was unanimously

VOTED: That the Authority hereby adopts the attached Resolution
entitled "Resolutions of the Boston Redevelopment
Authority Regarding Olmsted Plaza Development Plan
and Development Impact Project Plan" and dated November
30, 1989, consisting of 15 pages, and the Authority
specifically adopts the findings incorporated therein,
and specifically adopts the resolves that are outlined
in the last 5 pages of said Resolution and further
to set a voluntary goal of at least ten percent participation
by minority business enterprises; women business
enterprises; and disadvantaged business enterprises
in the professional services and other contract entered
into for the Olmsted Plaza Project.

The aforementioned Resolution is incorporated in the Minutes
of this meeting and filed in the Document Book of the Authority
as Document No. 5249.

(3) That said meeting was duly convened and held in all
respects in accordance with law, and to the extent required by
law, due and proper notice of such meeting was given; that a
legal quorum was present throughout the meeting and a legally
sufficient number of members of the Authority voted in a proper
manner and all other requirements and proceedings under law incident
to the proper adoption or the passage of said vote have been
duly fulfilled, carried out and otherwise observed.

(4) That the document to which this certificate is attached
is in substantially the form as that presented to said meeting.

(5) That if an impression of the seal has been affixed
below, it constitutes the official seal of the Boston Redevelopment
Authority, and this certificate is hereby executed under such
official seal.

(6) That Stephen Coyle is the Director of this Authority.

(7) That the undersigned is duly authorized to execute
this certificate.

IN WITNESS WHEREOF, the undersigned hereunto has set his
hand this Second day of January, 1990.

BOSTON REDEVELOPMENT AUTHORITY

By: Kare Simonian
Secretary

LS

AMENDMENT TO
DEVELOPMENT IMPACT PROJECT AGREEMENT
INCLUDING PROVISIONS FOR
THE JOBS CONTRIBUTION GRANT
FOR
PLANNED DEVELOPMENT AREA NO. 36
OLMSTED PLAZA

AMENDMENT TO DEVELOPMENT IMPACT PROJECT AGREEMENT made as of the 15th day of October, 1991, by and between the BOSTON REDEVELOPMENT AUTHORITY, a body politic and corporate created pursuant to Chapter 652 of the Acts of 1960, as amended, acting in its capacity as the planning board for the City of Boston (the "Authority") and OLMSTED PLAZA ASSOCIATES, a Massachusetts general partnership consisting of JMB/Olmsted Limited Partnership, an Illinois general partnership with JMB Realty Corporation, a Massachusetts corporation, as its general partner, and Macomber Olmsted Plaza Associates Limited Development Associates, a Massachusetts corporation, as its general partner, its successors and assigns (the "Applicant").

WHEREAS, on November 30, 1989 the Authority approved a Development Plan and Development Impact Project Plan for Planned Development Area No. 36 Olmsted Plaza (the "Development Plan") encompassing a parcel of land in the City of Boston bounded by Park Drive, Brookline Avenue, Fullerton Street, and the Riverside or "D" branch of the MBTA green line (the "Site"), which Development Plan was subsequently approved by the Boston Zoning Commission on December 13, 1989;

WHEREAS, the Applicant and the Authority entered into a Development Impact Project Agreement including provisions for the Jobs Contribution Grant for Planned Development Area No. 36 Olmsted Plaza dated December 13, 1989 (the "DIP Agreement") regarding the Project which is the subject of the Development Plan;

WHEREAS, on August 21, 1991 the Authority approved an Amendment to the Development Plan reflecting changed circumstances since the approval of the Development Plan; and

WHEREAS, the Authority and the Applicant wish to amend the DIP Agreement to reflect the Amendment to the Development Plan and the changed circumstances resulting in the Amendment to the Development Plan.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

1. Section 2.2 of the DIP Agreement is hereby amended by (a) deleting the language "hereby elects" in the first sentence thereof and substituting the language "may elect" therefor, and (b) deleting the language "in Section 2.7 hereof" from the first sentence thereof, (c) inserting the language "If the Applicant so elects" at the beginning of the second sentence thereof, and (d) deleting the language "(the "Construction Commencement Date")" from the first sentence of the second paragraph thereof and reinserting the same language in the same sentence after the language "(but not demolition)".

2. Section 2.3 of the DIP Agreement is hereby amended by deleting the first two sentences thereof and substituting the following therefor:

"If the Neighborhood Housing Trust and the Authority shall not have approved the Applicant's election of the Housing Creation Option as set forth in Section 2.2 hereof on or before the Proposal Date, the Applicant shall pay with respect to each Component of the Project on or before the Construction Commencement Date for each such Component, an amount equal to the Net Present Value for the Component calculated in accordance with Section 2.2 above, or, at the Applicant's election, shall pay the Linkage Payment for the Component in twelve (12) equal annual installments. One-twelfth (1/12) of the total Linkage Payment, as calculated in accordance with Section 2.5, shall be due and payable on the Construction Commencement Date for such Component. On each of the following eleven (11) anniversary dates of the Construction Commencement Date for such Component, an additional one-twelfth (1/12) of the total Linkage Payment for the Component shall be due and payable. In that the Applicant is not pursuing the Housing Creation Option at this time, all understandings between the Applicant and the Authority related to the Applicant's earlier election of the Housing Creation Option shall be of no further force and effect."

3. Section 2.5 of the DIP Agreement is hereby amended by (a) inserting the language "and subphases" at the end of the first sentence thereof, and (b) deleting the last two sentences thereof and substituting the following therefor:

"Notwithstanding anything herein to the contrary, if any Component of the Project consists of less than an entire Building, the Applicant shall pay the Linkage Payment required hereunder for such Building on a Component-by-Component basis based upon the Construction Commencement Date for each Component. Prior to the issuance of a Certificate

of Occupancy for each Building or any Component of the Project which consists of less than an entire Building, the Applicant shall submit a statement of the final gross floor area for each such Building or Component as certified by the Project Architect (as defined in the Development Plan). If the gross floor area, as defined in Section 2-1(21) of Article 2 of the Boston Zoning Code and as certified by the Project Architect (as identified in the Plan) for each Building or Component differs from the estimates on which payments are made, the Applicant shall adjust the amount of the Linkage Payment for each Building or Component in accordance with Article 26A of the Boston Zoning Code to reflect the change in gross floor area."

4. Section 2.7 of the DIP Agreement is hereby amended by inserting the language "or Component" in the first sentence of the second paragraph thereof after the language "each Building".

5. Section 3.2 of the DIP Agreement is hereby amended by (a) deleting the language "(as hereinbefore defined in Section 2.7 hereof)" in the first sentence thereof, and (b) deleting the language "(the "Construction Commencement Date")" from the first sentence of the second paragraph thereof and reinserting the same language in the same sentence after the language "(but not demolition)".

6. Section 3.3 of the DIP Agreement is hereby amended by inserting the following language at the end of the first sentence thereof:

"with respect to each Component of the Project, or, at the Applicant's election, shall pay the Jobs Payment for each Component in two (2) equal annual installments. One-half (1/2) of the total Jobs Payment, as calculated in accordance with Section 3.5, shall be due and payable on the Construction Commencement Date for the Component. One-half (1/2) of the Jobs Payment shall be due and payable on the first anniversary date of the Construction Commencement Date for the Component."

7. Section 3.5 of the DIP Agreement is hereby amended by (a) inserting the language "and subphases" at the end of the first sentence thereof, and (b) deleting the last two sentences thereof and inserting the following in place thereof:

"Notwithstanding anything herein to the contrary, if any Component of the Project consists of less than an entire Building, the Applicant shall pay the Jobs Payment required hereunder for such Building on a Component-by-Component basis based upon the Construction Commencement Date for each Component. Prior to the issuance of a Certificate of Occupancy for each Building or any Component of the Project

which consists of less than an entire Building, the Applicant shall submit a statement of the final gross floor area for each such Building or Component as certified by the Project Architect (as defined in the Development Plan). If the gross floor area, as defined in Section 2-1(21) of Article 2 of the Boston Zoning Code and as certified by the Project Architect (as identified in the Plan) for each Building or Component differs from the estimates on which payments are made, the Applicant shall adjust the amount of the Jobs Payment for each Building or Component in accordance with Article 26B of the Boston Zoning Code to reflect the change in gross floor area."

8. Section 3.8 of the DIP Agreement is hereby amended by (a) inserting the language "or any Component of the Project which consists of less than an entire Building" at the end of the first sentence thereof, (b) inserting the language "or Components" in the second sentence thereof after the language "of the Buildings", and (c) inserting the language "or Component" after each reference to "Building" in the last two sentences thereof.

9. Section 3.9 of the DIP Agreement is hereby amended by (a) inserting the language "or any Component(s) of the Project which consist of less than an entire Building" after the first reference to "any of the Buildings", (b) inserting the language "or any such Component(s)" after each other reference to "any of the Buildings", (c) deleting the language ", as defined in Section 2.7 of this agreement,", (d) inserting the language "or Linkage Payment" after the language "for the Jobs Payment", and (e) inserting the language "or Component" after the language "such Building".

10. Section 4.2 of the DIP Agreement is hereby amended by deleting the last sentence thereof and substituting the following therefor:

"For purposes of this Agreement, "Component" shall mean (i) any portion of the Project which is located on an individual lot or which constitutes an individual unit in a condominium, or (ii) any portion of such portion which is located on an individual lot or which constitutes an individual unit in a condominium which is independently financed."

11. All references to the "Development Plan" in the DIP Agreement shall be deemed to refer to the Development Plan as amended.

12. Except as set forth above, the DIP Agreement shall remain unmodified and in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed in their behalf by their respective officers and joint venturers thereunto duly authorized as of the day and year first above set forth.

Approved as to Form:

BOSTON REDEVELOPMENT AUTHORITY

By: _____

Its: *Director*

OLMSTED PLAZA ASSOCIATES,
a Massachusetts general partnership

By: JMB/Olmsted Limited Partnership, its
general partner

By: JMB/Olmsted, Inc.

By: _____

Its: *Executive Vice President*

By: Macomber Olmsted Plaza Associates
Limited Partnership

By: MOPA, Inc.

By: _____

Its: *President*

TRANSPORTATION ACCESS PLAN AGREEMENT

BETWEEN

THE CITY OF BOSTON TRANSPORTATION DEPARTMENT

AND

OLMSTED PLAZA ASSOCIATES

This Agreement is entered into this 24th day of April, 1990, by and between the CITY OF BOSTON TRANSPORTATION DEPARTMENT (hereinafter referred to as "BTD") and OLMSTED PLAZA ASSOCIATES, a Massachusetts general partnership, the partners of which are JMB/Olmsted Limited Partnership, an Illinois limited partnership, and Macomber Olmsted Plaza Associates Limited Partnership, a Massachusetts limited partnership, with its principal place of business c/o JMB Urban, Four Copley Place, Suite 600, Boston, Massachusetts 02116 (hereinafter referred to as "Developer").

WITNESSETH THAT:

WHEREAS, Developer proposes to construct OLMSTED PLAZA, a mixed use development including the renovated Sears building (the "Sears Building"), a multi-story building located on Park Drive (the "Park Drive Building"), a multi-story building located on Brookline Avenue (the "Brookline Avenue Building") and a multi-story parking garage (the "Garage"); and

WHEREAS, a Traffic Impact and Access Plan dated September, 1989 has been submitted on behalf of the Developer as part of the Combined Draft Project Impact Report and Draft Environmental

Impact Report which documents traffic and parking impacts of the Project (hereinafter defined), which Traffic Impact and Access Plan is incorporated herein by reference; and

WHEREAS, Developer acknowledges potential traffic and parking impacts from the construction and operation of the Project and that such impacts can be mitigated through a construction management plan and a permanent access plan; and

WHEREAS, the BTB and the Developer desire to mitigate traffic and parking impacts from the construction and operation of the Project;

NOW, THEREFORE, in consideration of the mutual promises herein contained, the sufficiency of which is hereby acknowledged, the parties do hereto mutually agree as follows:

Section 1. Definitions

(a) "Agreement" shall mean this Transportation Access Plan Agreement.

(b) "BRA" shall mean the Boston Redevelopment Authority, a body politic and corporate, organized under Massachusetts General laws, Chapter 121B, with offices at One City Hall Plaza, Boston, Massachusetts 02201, its successors and assigns.

(c) "BTB" shall mean the Transportation Department of the City of Boston with offices at One City Hall Plaza, Rm. 721, Boston, Massachusetts 02201, its successors and assigns.

(d) "Certificate of Occupancy" shall mean a certificate of occupancy issued by the City of Boston Inspectional Services Department for the shell and core areas of the Sears Building.

(e) "Phase 1" shall mean that portion of the Project (hereinafter defined) including the renovation of the existing Sears Building and construction of the Garage.

(f) "Project" shall mean that redevelopment project consisting of the renovation of the Sears Building and the construction of the Park Drive Building, the Brookline Avenue Building and the Garage.

(g) "Project Site" shall mean the parcel of land bounded by Park Drive, Brookline Avenue, Fullerton Street and an MBTA Right-of-Way as more fully set forth in Exhibit A to this Agreement.

(h) "Developer" shall mean Olmsted Plaza Associates, its successors and assigns.

(i) "Effective Date" shall mean the date of issuance of the Certificate of Occupancy.

(j) "Peak Hours" shall mean the hours between 7:00 and 9:00 A.M. and between 4:00 and 6:00 P.M., Monday through Friday.

(k) "Term of this Agreement" shall mean the period of time from the Effective Date hereof to thirty (30) years from the date of issuance of the Certificate of Occupancy.

(l) "Traffic Impact and Access Plan" shall mean the Transportation Impact Study and Access Plan for the Project dated September, 1989 as part of the Combined Draft Project Impact Report and Draft Environmental Impact Report prepared for the Developer by HMM Associates, as such Plan may from time to time be amended, a copy of which is incorporated herein by reference.

(m) "Van Ness Site" shall mean the parcel of land bounded by Van Ness Street, Yawkey Way, a passageway and land owned by Harvard Community Health Plan as more fully set forth in Exhibit B to this Agreement.

Section 2. Measures to Minimize Traffic Generation

In order to ensure that traffic generated by the Project does not adversely affect the local or regional roadway systems or the residential Kenmore, Fenway, Audubon Circle or Mission Hill neighborhoods, the Developer will institute a comprehensive Commuter Mobility Program. The goals of the Commuter Mobility Program will be: to maximize the use of mass transit and ridesharing by persons visiting, residing at or working at the Project Site; to make available to all workers in the area, by means of cooperation with other business and institutions such as are represented by the Medical Area Services Corporation ("MASCO") and its Longwood Medical Area Transportation Management Association, improved access to mass transit and ridesharing services; to foster through cooperative efforts with local and state government improvements in transportation facilities, programs and services.

In order to achieve the Goals of the Commuter Mobility program, specific objectives (the "Objectives") will be established for the Project. The intended date for the fulfillment of the Objectives is the later of (a) five years after the issuance of the Certificate of Occupancy, or (b) the date on

which an occupancy level of 50% of the net rentable area of the Sears Building is attained. The Objectives of the Commuter Mobility Program shall be as follows:

- (i) Transit Usage: among persons commuting to work at the Project site during the A.M. and P.M. peak hours, 48% shall use transit.
- (ii) Vehicle Occupancy: among persons commuting to work at the Project Site during the A.M. and P.M. peak hours, the average number of persons occupying each privately owned vehicle will be 1.8.

To assist the Developer in attaining the Objectives, interim objectives (the "Interim Objectives") will be established, for which the date of intended attainment is three years after the issuance of the Certificate of Occupancy. The Interim Objectives shall be as follows:

- (i) Transit Usage: among persons commuting to work at the Project site during the A.M. and P.M. peak hours, 46% will use transit.
- (ii) Vehicle Occupancy: among persons commuting to work at the Project Site during the A.M. and P.M. peak hours, the average number of persons occupying each privately owned vehicle will be 1.7.

As described in Section 10 hereof, the Developer shall submit annual monitoring reports detailing the transportation impacts of the Project. In order to evaluate the progress toward attainment of the Objectives, the Developer will include in each annual

monitoring report an analysis showing the levels of transit usage and vehicle occupancy of commuters to the Project Site. The annual monitoring report will also include a comparison of the transit usage and vehicle occupancy levels with the Objectives and an assessment of progress toward the Objectives. If the Objectives or the Interim Objectives have not been achieved by the intended dates set forth above, the annual monitoring report shall include a proposed plan for improving the Commuter Mobility Program. Annual monitoring reports shall be submitted for the review and approval of the BTD, which shall consult with the Developer with respect to the development of mutually agreeable improvements to the Commuter Mobility Program, as necessary to achieve the Objectives by use of reasonable and economical means consistent with commuter mobility programs for comparable projects.

Prior to obtaining a building permit for construction of each of the Brookline Avenue Building and the Park Drive Building, the Developer shall also complete an updated Traffic Impact and Access Plan (the "Updated Plan") in which progress towards the goals of the Commuter Mobility Program will be assessed, the effectiveness of the Commuter Mobility Program will be measured and reasonable adjustments to the Commuter Mobility Program will be proposed, as necessary. The scope of the Updated Plan will include an analysis of certain intersections analyzed in the Traffic Impact and Access Plan, such analysis to be limited to an analysis of the levels of service at ten intersections. The Updated Plan shall also include

proposals for ways in which the contributions to be made by the Developer in connection with the Park Drive Building and the Brookline Avenue Building can reasonably be used to mitigate traffic impacts and to improve traffic conditions in the area of the Project ("Mitigation Measures"). The process for review of the Updated Plan shall be as follows:

(a) The Developer shall submit a draft of the Updated Plan to the BRA and to BTM. Within five (5) days after submission of the draft Updated Plan to the BRA, the BRA shall publish notice of such submission in one or more newspapers of general circulation in the City, such notice to state the name of the Developer and the street address of the Project, and shall make copies of the draft Updated Plan available to the public. Within thirty days of such notice, public comments, including comments of public agencies, shall be transmitted in writing to the BRA. During such thirty day period, the Developer shall present the Updated Plan to the community at a public forum to be held in the Fenway/Audubon Circle area after notice of the time and place of such public forum at least ten (10) days before the public forum published in one or more newspapers of general circulation in the City and given in accordance with Section 20 hereof.

(b) Based upon public comments and review by the BRA and the BTM of the draft Updated Plan, the BTM shall issue a written Adequacy Determination to the Developer within forty-five (45) days of the submission of the draft Updated Plan to the BTM. The Adequacy Determination shall indicate whether the Updated Plan

satisfies the scope set forth herein and may also direct the Developer to consider further Mitigation Measures. If the BTB fails to issue a written Adequacy Determination within said forty-five (45) day period, the draft Updated Plan shall be deemed approved.

(c) After the issuance of the Adequacy Determination, the Developer shall satisfy the requirements set forth in the Adequacy Determination, if any, by preparing a final Updated Plan. Within five days of the Developer's submission of a final Updated Plan to the BRA and BTB, the BRA shall publish notice of such submission in one or more newspapers of general circulation in the City, such notice to state the name of the Developer and the street address of the Project, and shall make copies of the final Updated Plan available to the public. Within thirty days of such notice, public comments, including the comments of public agencies, shall be transmitted in writing to the BRA. During such thirty day period, the Developer shall present the Updated Plan to the community at a public forum to be held in the Fenway/Audubon Circle area after notice of the time and place of such public forum at least ten (10) days before the public forum published in one or more newspapers of general circulation in the City and given in accordance with Section 20 hereof.

(d) Based upon public comments and review by the BRA and BTB of the final Updated Plan, the BTB shall issue a written Final Adequacy Determination within forty-five (45) days of the submission of the final Updated Plan to the BTB. In issuing the

Final Adequacy Determination, the BRA, in conjunction with BTB, shall approve the final Updated Plan or, if the Updated Plan fails to satisfy the requirements of the Adequacy Determination, disapprove the final Updated Plan, stating the specific respects in which it fails to fulfill the requirements of the Adequacy Determination. If the BTB fails to issue a written Final Adequacy Determination within said forty-five (45) day period, the final Updated plan shall be deemed approved. In the event that the BTB disapproves the final Updated Plan, the Developer and the BTB shall work together in order to arrive at a mutually acceptable Updated Plan within thirty (30) days thereafter. At the completion of this process, the Agreement will be amended as necessary to reflect the approved Updated Plan.

Section 3. Capital Improvements

Prior to obtaining a building permit for the construction of the Sears Building, the Developer shall contribute the sum of \$550,000, including \$50,000 for an area-wide transportation study, to the City of Boston, acting through the BTB, for traffic improvements, as outlined in Exhibit C attached hereto, relating to the impacts of the Project in the area surrounding the Project. The BTB will make good faith efforts to complete or to arrange for the completion of any improvements funded in whole or in part by this contribution before initial occupancy of the Sears Building.

Prior to obtaining a building permit for each of the Park Drive Building and the Brookline Avenue Building, the Developer will make a further contribution to the City of Boston, acting

through the BTB, of 50¢ per square foot of gross floor area of the building for which the building permit is obtained, for the purpose of traffic improvements related to the Project, provided that the total contribution on account of the Park Drive Building and the Brookline Avenue Building shall not exceed \$300,000.

Section 4. Transportation Coordinator.

(a) Transportation Coordinator. The Developer shall designate a Transportation Coordinator who shall cooperate with the BTB in the execution and monitoring of the obligations set forth in this Agreement. The Transportation Coordinator shall further establish and implement a Commuter Mobility Program at the Project Site, and as part of the Commuter Mobility Program shall provide the following services:

- (1) coordinate all ridesharing activities as described in subsection 4(b) below;
- (2) promote transportation options through periodic newsletters, special events, publicity, and tenant relations;
- (3) manage on-site MBTA pass sales;
- (4) encourage tenants to implement alternative work schedules to spread peak-hour travel;
- (5) manage all parking issues;
- (6) monitor efforts of the Commuter Mobility Program and submit annual reports to the BTB in accordance with Section 10 below.

(b) Ridesharing Program. The Developer shall promote ridesharing, in the form of carpools and vanpools, by persons employed both on the Project Site and in the surrounding area. To that end, the Developer shall:

1. provide computerized on-site carpool/vanpool matching programs, such as Ridesource;
2. participate in joint ridesharing programs with tenants, organizations, and companies both within the Project and in the surrounding area;
3. no less than once every six months, provide in a newsletter promotional materials on ridesharing to employees and tenants of the Project;
4. provide preferential locations for parking of vehicles used in carpooling or vanpooling;
5. reserve a parking space for any vanpool which registers with the Transportation Coordinator, at a 50 percent discount of the regular price charged for monthly rental of such parking space; and
6. No less than once very year, sponsor a "Transportation Day" at which transit alternatives will be promoted and opportunities afforded to enlist in ridesharing programs.

(c) Flexible Hours. The Developer will promote the use of flexible work schedules to reduce peak-hour trip generation through the following measures:

1. during the lease negotiation process, potential tenants for the Project will be encouraged to adopt flexible work schedules for the employees;

2. Building services such as HVAC and full elevator service will be made available to office tenants at the Project between the hours of 7:00 AM and 7:00 PM, Monday through Friday, at flat rates, with no premium for off-peak hours use.

(d) Transit Pass Subsidies. Developer will endeavor to lower transit costs for all workers employed at the Project. To this end, Developer will:

1. create a transit subsidy program whereby the Developer will offer a subsidy of mass transit commuting fares or passes of 12.5% to any employee at the Project, to the extent that the tenant-employer offers a matching subsidy;

2. include in all lease negotiation packages an exhibit outlining the advantages to employers and employees of subsidizing transit expenses.

Section 5. Parking

The Project will include the on-site Garage containing approximately 1155 parking spaces. It is currently anticipated that a second garage (together with the Garage, the "Garages") will be constructed on the Van Ness Site containing approximately 440-500 spaces.

(a) Parking spaces at both garages will be made available to the public, at commercially competitive rates, for all home night, weekend and holiday Boston Red Sox games and at other times that do not conflict with parking demands of the Project.

(b) Parking spaces will be made available at the Garages to area residents for overnight use at special promotional rates, initially not to exceed \$30 per month, for parking after 6:00 P.M. and before 8:00 A.M., all day Saturday and all day Sunday.

Resident users of parking spaces in the Garages will be charged for use of spaces during business hours, at commercially competitive rates.

Section 6. Transit

As part of phases subsequent to Phase 1 of the Project and subject to obtaining all necessary approvals, the Developer will improve the Fenway station on the Massachusetts Bay Transportation Authority's Green Line. Improvements will include construction of a walkway along the station platform, extension of the existing canopy and construction of a stairway from the Project to the station.

Section 7. Pedestrians and Bicyclists

The design of the Project recognizes the magnitude of pedestrian traffic to, from and through the Project Site, with major directions being to/from the MBTA Green Line Fenway Station and to/from Park Drive, the Park/Boylston/Brookline intersection, and the Longwood Medical Area. The location and scale of the entrances of the Sears building, the Park Drive building and the

Brookline Avenue building have been sized and emphasized accordingly. Entrances and passageways in the existing Sears Building will be enhanced by ground floor retail uses, and the entire Project will be accessible to handicapped persons.

Sidewalk areas around the Project Site will be rebuilt and paved, and street lighting will be installed, in consultation with and according to specifications approved by the BTD and the Boston Department of Public Works.

The Developer will provide an indoor bicycle storage area conveniently located in the Garage located on the Project Site, with secure racks, stands, or lockers.

Section 8. Truck Deliveries

The following steps will be undertaken to help eliminate any adverse effect of delivery and pickup at the Project site:

- (a) The establishment in the Project design of sufficient off-street loading bays so that trucks will not have to stand or park in the street. The loading area will be configured so that trucks will drive into the Garage by a one way entrance and drive out of the Garage by a one way exit;
- (b) Tenant deliveries other than by courier service will be reasonably restricted to hours other than Peak Hours;
- (c) Major tenant deliveries using trucks longer than 33 feet will be reasonably restricted to the hours between 6:00 P.M. and 7:00 A.M.

- (d) Except in special circumstances, deliveries through the pedestrian entrances will not be allowed between 7:00 A.M. and 6:00 P.M.
- (e) A 24-hour loading dock area will be maintained and attended by an on-call dockmaster to encourage off-hour deliveries.
- (f) Deliveries and pickup by courier and parcel services will be through the loading dock area, and will utilize collection boxes for major courier companies.

Section 9. Construction Management Plan

Developer shall prepare in consultation with the neighborhoods, a Construction Management Plan which details measures to insure the maintenance of existing levels of service on adjacent roadways during the construction of the Project and to minimize disruption at neighboring residential sites, and shall submit said plan to the BTB for approval. Such approval shall be obtained prior to the developer obtaining any building permit from the City of Boston Inspectional Services Department (ISD). It is understood by the Developer that the development of a construction management plan is a precondition to the issuance of a building permit for the Project by ISD.

The Construction Management Plan shall include, but not be limited to, measures dealing with: proposed street occupancies; use of tower cranes; sidewalk occupancies or obstruction of

pedestrian flow; materials staging; transportation and parking for construction workers; hours of construction work; materials delivery; rodent control, and truck routes.

The Construction Management Plan shall also provide that the Developer shall meet monthly with the neighborhoods to discuss the construction impacts of the Project and that the Developer will establish a twenty-four hour hotline to address neighborhood concerns with respect to construction. The Construction Management Plan shall also provide that the Developer shall provide reasonable notice to the community prior to the commencement of disruptive activities, street closings or changes to traffic flow.

Failure to comply with the provisions of the Construction Management Plan may result in withdrawal of the building permit or street occupancy permit until such time as the Commissioner of Transportation determines that the Developer is in compliance with the Construction Management Plan.

Section 11. Defaults and Remedies

In the event that the Developer shall fail to comply with or shall breach any provisions of this Agreement, and such failure or breach shall continue for 60 days after written notice thereof from the BTB, the BTB may institute any such actions and proceedings as the BTB may deem appropriate, including, but not limited to, an action to compel specific performance and/or to collect any and all damages, expenses, losses and costs caused by such failure or breach, including legal expenses. Notwithstanding

the foregoing, if such failure or breach is of such a nature that it cannot reasonably be cured in 60 days, the Developer shall so notify the BTB in writing as soon as practicable, and the period shall be extended by the BTB for such additional time as is reasonably necessary to cure such failure or breach, provided, however, that such period of time may be limited to an additional period of 90 days.

Section 12. Independent Covenants

Each and every covenant contained in this Agreement is and shall be construed to be a separate and independent covenant applicable to each Component (as defined below) of the Project, and shall apply separately to each Component, and a default with respect to a particular Component under any section or provision of this Agreement shall not constitute a default with respect to any other Component. For purposes of this Agreement, "Component" shall mean (i) any portion of the Project which is located on an individual lot, or (ii) any portion of such portion located on an individual lot which is independently financed.

Section 13. Records and Reports

Developer shall keep and maintain books, records and other documents regarding compliance with this Agreement, and on an annual basis submit reports detailing factors such as observed trip generation, trip distribution, modal choice and vehicle occupancy. The Developer shall make the same available at all reasonable times for inspection, copying, audit and examination by the BTB and the community. The Developer shall also provide the

BTD with an annual report regarding compliance with this Agreement that summarizes the same within sixty days of the end of each calendar year.

Section 14. Access to Project

Developer agrees that any duly authorized representatives of the BTD shall as necessary for the enforcement of this Agreement, at all reasonable times, and upon reasonable prior notice, have access to any portion of the Project until the completion of the construction of the Project, provided, however, (a) that the BTD shall submit to the Developer within thirty (30) days from the date of execution of this Agreement a list of such duly authorized representatives, which list may be amended from time to time, (b) that any such representative shall not interfere with or cause a delay in the Developer's ongoing construction of the Project, and (c) that any such representative shall notify the Project superintendent that he or she is on the Project Site, shall wear hard hat at all times while on the Project Site, shall follow the directions of the Project superintendent, shall have his or her designees sign a waiver of liability, and shall otherwise comply with all safety and site control requirements that may be imposed by such superintendent from time to time. It is hereby understood and agreed by the parties hereto that any such safety and control requirements shall not unreasonably interfere with or impede the BTD's enforcement of this Agreement.

Section 15. Assumption of Liability

Developer shall assume the defense of and hold the BTB, its officers, agents or employees, harmless from all suits and claims against them or any of them arising from any act or omission of the Developer, its agents or employees, of any of the covenants, agreements and obligations of the Developer under this Agreement.

Section 16. Assignment

Developer may assign its interest in this Agreement, but only subject to and by complying with the following conditions:

- (1) Prior to assignment, Developer shall notify the BTB of its intention to assign;
- (2) At the time of the assignment, Developer shall not then be in default of the terms and conditions of this Agreement imposed upon Developer to such date;
- (3) The assignee shall expressly assume and agree to perform and comply with all the covenants and provisions of this Agreement on the part of the Developer; and
- (4) There shall be promptly delivered to the BTB the original or a duplicate original of the instrument or instruments containing such assignment to and assumption by the assignee.
- (5) Notwithstanding the foregoing, Developer may assign this Agreement in connection with bona fide financing of the Project as applicable.

Section 17. Waiver

No act by or on behalf of the BTB shall be, or be deemed or construed to be, any waiver of any such requirement or provision, unless the same be in writing, signed by the BTB and expressly stated to constitute such waiver. Any express waiver by the BTB of any rights, terms or conditions of this Agreement shall not operate to waive such rights, terms or conditions or any other rights, terms or conditions, beyond the specific instance of such waiver.

Section 18. Conflict of Interest

Developer covenants and agrees that it shall, in carrying out its responsibilities under this Agreement, comply strictly with each and every provision of c. 268A of the General Laws (the Conflict of Interest Law) to the full extent of the applicability of said provisions to the Developer.

Section 19. Successors and Assigns

The provisions of this Agreement shall be binding upon, and shall inure to the benefit of, the successors and assigns of the Developer (including without limitation any condominium association or other association having powers of control over the Site or any portion thereof under Chapter 183A, Massachusetts General Laws) and the public body or bodies succeeding to the interests of the BTB.

The liability of the Developer under this Agreement and under certifications and the like delivered pursuant hereto with respect to the Project shall be limited solely to the assets and property

of the Developer with respect to the Project (or the applicable Component thereof) and no partner, venturer, trustee, beneficiary shareholder, officer, director or the like of the Developer, from time to time, or any such person's or entity's separate assets or property shall have or be subject to any personal liability with respect to any obligation or liability of the Developer hereunder, but this Section 19 shall not prohibit or limit an action seeking an injunction or similar remedy or specific enforcement of the Developer's obligation under this Agreement.

Section 20. Notices

All notices or other communications required or permitted to be given under this Agreement shall be in writing, signed by a duly authorized officer of the Developer, or of the BTB, and shall be deemed delivered if mailed, postage prepaid, by registered or certified mail, return receipt required, or delivered by hand to the principal office of the intended party, which is as follows unless otherwise designated by written notice to the other parties:

DEVELOPER: Olmsted Plaza Associates
 c/o JMB Urban
 Four Copley Place
 Suite 600
 Boston, MA 02116
 Attention: Mr. Patrick Lee

BTB: City of Boston Transportation Department
 One City Hall Plaza, Rm. 721
 Boston, Massachusetts 02201
 Attention: Commissioner

with copies to: City of Boston Transportation Department
One City Hall Plaza, Rm. 721
Boston, Massachusetts
Attention: Special Assistant Corporation
Counsel

City of Boston Law Department
One City Hall Plaza, Rm. 615
Boston, Massachusetts 02201
Attention: Corporation Counsel

Boston Redevelopment Authority
One City Hall Plaza
Boston, Massachusetts 02201
Attention: Director

Kenmore, Audubon Circle Fenway Neighborhood
Initiative
c/o Fenway Community Development Corporation
P.O. Box 127
Astor Station
Boston, Massachusetts 02123

Section 21. Amendment

This Agreement, or any part thereof, may be amended from time to time hereafter only in writing executed by BTB and the Developer.

Section 22. Future Adjustments to Plan

The provisions of this Agreement reflect the existing conditions documented in the Transportation Impact and Access Plan. If, during the five years following execution of this Agreement, these conditions have changed, the BTB in accordance with Section 21 of this Agreement, may require the Developer to make reasonable adjustments to its Transportation Impact and Access Plan to respond to these changes. Any proposal shall take due recognition of fiscal, fiduciary, regulatory or other constraints on the Developer.

Section 23. Severability

Each and every covenant and agreement contained in this Agreement is and shall be construed to be a separate and independent covenant and agreement. If any term or provision of this Agreement or the application thereof to any person or circumstance shall to any extent be invalid and unenforceable, the remainder of this Agreement or the application of such term to persons or circumstances other than those as to which it is invalid or unenforceable shall not be affected thereby, and each term and provision of this Agreement shall be valid and shall be enforced to the extent permitted by law.

Section 24. Governing Law

This Agreement shall be governed and construed in accordance with the laws of the Commonwealth of Massachusetts.

Section 25. Execution in Counterparts

This Agreement shall be executed in two counterparts. All such counterparts shall be deemed to be originals and together shall constitute but one and the same instrument.

Section 26. Effective Date

This Agreement shall be deemed to become effective as of the date it shall be executed and dated by all parties.

Section 27. Expiration

This Agreement shall terminate thirty (30) years from the issuance of the initial Certificate of Occupancy, and the provisions contained herein shall be null and void as of the date of termination.

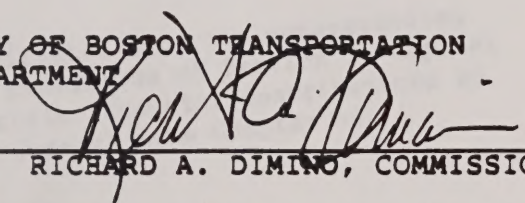
Section 28. Mitigation Expenses

All mitigation measures undertaken pursuant to this contract shall be at the expense of the Developer and no expense will be incurred by the BTB with respect to such measures.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be signed, sealed and delivered by their respective duly authorized representatives, as of the date first written above.

WITNESS:

CITY OF BOSTON TRANSPORTATION
DEPARTMENT

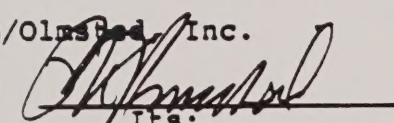
By: 

RICHARD A. DIMINO, COMMISSIONER

DEVELOPER: OLMSTED PLAZA ASSOCIATES, a
Massachusetts general partnership

By: JMB/Olmsted Limited Partnership,
its general partner

By: JMB/Olmsted, Inc.

By: 

Its:

Exp V.P.

By: Macomber Olmsted Plaza
Associates Limited Partnership,
its general partner

By: MOPA, Inc.
By: Byron Gilchrist
Its PRESIDENT

Approved as to form: *

Joseph M. Mulvey
Corporation Counsel
City of Boston

*N.B. - This approval is expressly conditioned upon the understanding of the parties hereto that the provisions of Section 3, Capital Improvements, pertaining to certain financial contributions by the Developer, are governed by General Laws Chapter 44, Sections 53 or 53A.

AMENDMENT TO
TRANSPORTATION ACCESS PLAN AGREEMENT
BETWEEN
THE CITY OF BOSTON TRANSPORTATION DEPARTMENT
AND
OLMSTED PLAZA ASSOCIATES

This Amendment to Transportation Access Plan Agreement is entered into as of this 15th day of October, 1991, by and between the CITY OF BOSTON TRANSPORTATION DEPARTMENT (hereinafter referred to as "BTD") and OLMSTED PLAZA ASSOCIATES, a Massachusetts general partnership, the partners of which are JMB/Olmsted Limited Partnership, an Illinois limited partnership, and Macomber Olmsted Plaza Associates Limited Partnership, a Massachusetts limited partnership, with its principal place of business c/o JMB Urban, Four Copley Place, Suite 600, Boston, Massachusetts 02116 (hereinafter referred to as "Developer").

WITNESSETH THAT:

WHEREAS, on November 30, 1989 the Boston Redevelopment Authority (the "Authority") approved a Development Plan and Development Impact Project Plan for Planned Development Area No. 36 Olmsted Plaza (the "Development Plan") encompassing a parcel of land in the City of Boston bounded by Park Drive, Brookline Avenue, Fullerton Street, and the Riverside or "D" branch of the MBTA green line (the "Site"), which Development Plan was subsequently approved by the Boston Zoning Commission on December 13, 1989;

WHEREAS, the Developer and the BTD entered into a Transportation Access Plan Agreement (the "TAP Agreement") regarding the Project which is the subject of the Development Plan;

WHEREAS, on August 21, 1991 the Authority approved an Amendment to the Development Plan reflecting changed circumstances since the approval of the Development Plan; and

WHEREAS, the BTD and the Developer wish to amend the TAP Agreement to reflect the Amendment to the Development Plan and the changed circumstances resulting in the Amendment to the Development Plan.

NOW, THEREFORE, in consideration of the mutual promises herein contained, the sufficiency of which is hereby acknowledged, the parties do mutually agree as follows:

1. Section 3 of the TAP Agreement is hereby amended by deleting the first paragraph thereof and substituting the following therefor:

"In order to address the traffic impacts of the Project, the Developer shall contribute funds for the purpose of a transportation study and a number of improvements, as set forth in this Section 3. Receipt of the funds by the BTB shall be in accordance with all applicable laws, including without limitation, Chapter 44, Section 53A of the Massachusetts General Laws.

Prior to obtaining a building permit for the construction of the first Component of the Sears Building, the Developer shall contribute the sum of \$50,000 to the City of Boston, acting through the BTB, for an area-wide transportation study. The Developer shall contribute the additional sum of \$500,000 (the "Traffic Improvement Contribution") to the City, acting through the BTB, for traffic improvements, as set forth in Exhibit C attached hereto ("the Traffic Improvements"), relating to the impacts of the Project in the area surrounding the Project, such an additional amount to be paid on a pro rata basis at any time prior to the issuance of a building permit for the construction of each Component of the Sears Building subsequent to the first Component, with the amount to be paid with respect to each such building permit to be calculated by multiplying \$500,000 by a fraction, the numerator of which is equal to the square feet of gross floor area to be included in such Component and the denominator of which is equal to the total square feet of the gross floor area to be included in the Sears Building other than the first Component. Notwithstanding the foregoing and subject to the provision set forth in this sentence beginning with the words "but only", the Traffic Improvement Contribution shall be reduced by funds received by the BTB, on behalf of the City, prior to obtaining a building permit for the construction of the next Component after the first Component of the Sears Building for the execution of the Traffic Improvements from the Executive Office of Transportation and Construction of the Commonwealth of Massachusetts ("EOTC"), the Metropolitan District Commission ("MDC"), and other funding sources ("Traffic

Improvement Funds")), but only to the extent that the Traffic Improvement Contribution, as so reduced, together with the Traffic Improvement Funds, is sufficient to complete the Traffic Improvements.

The BTD shall make good faith efforts to cause the City to submit applications for Traffic Improvement Funds to the EOTC, MDC and other funding sources as soon as practicable if such funds are available from such sources for traffic improvements like the Traffic Improvements, and to cause such applications to be processed in a timely manner. Further, the BTD shall make good faith efforts to complete or to arrange for completion of any of the Traffic Improvements to be funded in whole or in part by the Traffic Improvement Contribution or Traffic Improvement Funds before the occupancy of the next Component to be completed after, as applicable, receipt of the Traffic Improvement Contribution or the commitment of Traffic Improvement Funds. In connection with the submission of applications for Traffic Improvement Funds and the expenditure of the Traffic Improvement Contribution to execute the Traffic Improvements, the BTD shall consult with the Developer about priority and sequencing of the specific Traffic Improvement, taking into account, among other things, the proximity of the specific Traffic Improvements to the Project."

2. Section 8 of the TAP Agreement is hereby amended by (i) inserting the language "After construction of the Garage," at the beginning of the second sentence of subsection (a) thereof, (ii) deleting subsections (b) thereof and inserting the following in place thereof:

"(b) Reasonable efforts will be made to minimize deliveries other than by courier services during Peak Hours;"

(iii) deleting subsection (c) thereof, and (iv) inserting the language "after completion of Phase 1" at the end of subsection (e) thereof.

3. Section 12 of the TAP Agreement is hereby amended by deleting the last sentence thereof and inserting the following in place thereof:

"For purposes of this agreement, "Component" shall mean (i) any portion of the Project which is located on an individual lot or which constitutes an individual unit in a

condominium, or (ii) any portion of such portion located on an individual lot or which constitutes an individual unit in a condominium which is independently financed."

4. The TAP Agreement is hereby amended by deleting Exhibit C thereto and inserting Exhibit C attached hereto in place thereof.

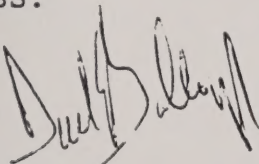
5. All references to the "Development Plan" in the TAP Agreement shall be deemed to refer to the Development Plan as amended.

6. Except as set forth above, the TAP Agreement shall remain unmodified and in full force and effect.

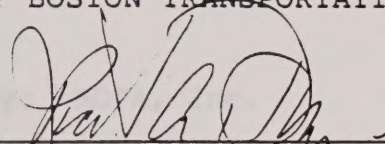
IN WITNESS WHEREOF, the parties hereto have caused this Amendment to the Transportation Access Plan Agreement to be signed, sealed and delivered by their respective duly authorized representatives, as of the date first written above.

WITNESS:

CITY OF BOSTON TRANSPORTATION DEPARTMENT



By:


RICHARD A. DIMINO, COMMISSIONER

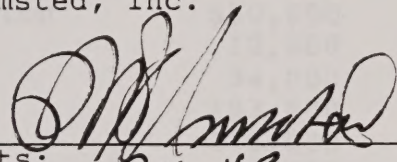
Approved as to form:


Corporation Counsel
City of Boston

DEVELOPER: OLMSTED PLAZA ASSOCIATES, a
Massachusetts general partnership

By: JMB/Olmsted Limited Partnership,
its general partner

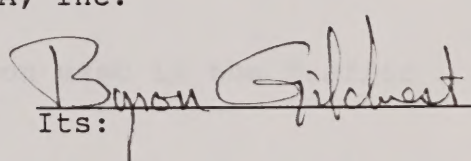
By: JMB/Olmsted, Inc.

By: 

Its: Eyl. V.P.

By: Macomber Olmsted Plaza
Associates Limited Partnership,
its general partner

By: MOPA, Inc.

By: 

Its:

Exhibit C

Capital Improvements Schedule

Int. # *	Intersection	Estimated Cost
1		
4	Brookline/Park/Boylston	\$50,000
2	Park/Riverway	12,000
21	Riverway/Fenway	84,000
3	Fenway/Brookline	153,000
1	Audubon Circle	170,000
6	Riverway/Longwood	20,000
8	Boylston/Park	5,000
13	Park/Fenway	5,000
		<u>\$494,000</u>

Work to be performed includes signalization, geometrics improvements, pavement and pavement marking, and sidewalk improvement.

* Refers to the intersection designation used in the Traffic Impact and Access Plan.

0581T

APPENDIX U

Building and Construction Trades Council of the Metropolitan District

AFFILIATED TO THE

BUILDING AND CONSTRUCTION TRADES DEPARTMENT

A.F.L.-C.I.O.

TERRITORIAL JURISDICTION

Arlington, Boston, Belmont, Brookline, Burlington, Cambridge, Canton, Chelsea, Dedham, Everett, Malden, Medford, Melrose, Milton, Norwood, Reading, Revere, Somerville, Stoneham, Wakefield, Westwood, Winthrop, Winchester, Woburn, and the Islands of Boston Harbor

TELEPHONE
617 - 282-0080

645 MORRISSEY BOULEVARD
SUITE 2
BOSTON, MA 02122-3520

October 16, 1991

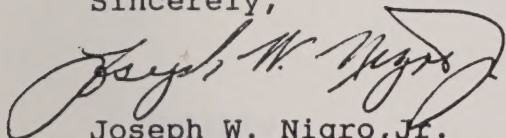
Mr. Stephen Coyle
Boston Redevelopment Authority
City Hall
Boston, MA 02109

Dear Mr. Coyle:

I am writing to express the support of the Building and Construction Trades Council for the application of Olmsted Plaza Associates for Chapter 121A designation for the Olmsted Plaza project.

It is essential to the health of the City's economy that the Olmsted Plaza project commence, and to the extent that Chapter 121A status will expedite the process, I wholeheartedly endorse the application

Sincerely,



Joseph W. Nigro, Jr.
Secretary Treasurer/General Agent
Boston Building Trades Council

cc: R.K. Umscheid
Byron Gilchrest

M A S C O**MEDICAL AREA SERVICE CORPORATION**

October 31, 1991

Mr. Stephen Coyle
Director
Boston Redevelopment Authority
One City Hall Square, 9th Floor
Boston, MA 02201

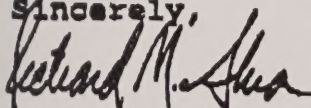
Dear Mr. Coyle:

I am writing on behalf of the Medical Area Service Corporation (MASCO) in support of the Chapter 121A designation for the Olmsted Plaza project.

Chapter 121A designation will offer Olmsted Plaza's prospective tenants tax predictability over the terms of their leases. This is critical to attracting tenants to the project, many of whom are non-profit Tax-exempt institutions. Given the shortage of research space in the Longwood Medical Area, the ability of Olmsted Plaza to accommodate the needs of these tenants is crucial to the continued prominence of Boston as a center for biomedical research.

Thank you for your favorable consideration of Olmsted Plaza's application.

Sincerely,



Richard M. Shea
Vice President
Area Planning and Development

RMS:rlr
ap:109

333 Longwood Avenue, Boston, Massachusetts 02115 617 732-2310 FAX: 617 732-2759

MEMBER INSTITUTIONS • Beth Israel Hospital Boston • Brigham and Women's Hospital • The Children's Hospital • Dana-Farber Cancer Institute • Emmanuel College • Harvard University Medical School • Harvard University School of Dental Medicine • Harvard University School of Public Health • Joslin Diabetes Center • Massachusetts College of Pharmacy and Allied Health Sciences • New England Deaconess Hospital • Simmons College • Temple Israel • Wheelock College • Winsor School



Kenmore Association, Inc.
P.O. Box 644
Kenmore Station
Boston, MA 02215
Telephone 262-6246

October 30, 1991

Mr. Stephen Coyle
Director
Boston Redevelopment Authority
City Hall
Boston, MA 02201

Dear Mr. Coyle:

I am writing to express the support of the Kenmore Association for the application of Olmsted Plaza Associates to receive Chapter 121A designation for the Olmsted Plaza project.

This project will provide significant public benefits to the Fenway/Kenmore area and city. Chapter 121A designation, which will provide the project's tenants with tax predictability over a long-term period, is a critical element in making this project a reality.

Sincerely,

Pamela G. Beale
President

APPENDIX V-1

APPENDIX V-1

Proposed Regulatory Agreement

Contract Between Subparcel 1A Associates Limited Partnership
and the Boston Redevelopment Authority
Pursuant to Chapter 121A of the Massachusetts General Laws

This Agreement made this _____ day of _____, 1991, under Chapter 121A of the General Laws of the Commonwealth of Massachusetts, is by and between Subparcel 1A Associates Limited Partnership, a Massachusetts limited partnership formed under the laws of the Commonwealth of Massachusetts (hereinafter called the "1A Partnership"), and the Boston Redevelopment Authority (hereinafter called the "Authority").

WITNESSETH THAT:

WHEREAS, Olmsted Plaza Associates ("OPA") has caused to be filed with the Boston Redevelopment Authority (the "Authority") an application dated October 18, 1991 (the "Application") under the provisions of said Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, as amended (collectively, "Chapter 121A"), for approval of a project (the "Project"), more particularly described in the Application, including, but not limited to, acquisition of all or a portion of the Project Area (as defined in the Application), renovation of the Sears Building (as defined in the Application), construction of surface parking lots, construction of up to two parking garages and construction of up to two new office/research and development buildings; and

WHEREAS, the Application requested the Authority's approval to the undertaking of the Project in three or more phases (the "Phases"), one of such phases to be undertaken by the 1A Partnership pursuant to Section 18C of Chapter 121A and consisting of the acquisition of Unit 1A ("Unit 1A") of the Condominium to be created on the Olmsted Plaza Site (as defined in the Application), renovation of a portion of the Sears Building and construction of surface parking lots (collectively, "Phase 1A"); the second of such phases to be undertaken by OPA pursuant to Section 18C of Chapter 121A, in subphases ("Subphases") and consisting of the acquisition of Unit 1B of the Condominium to be created on the Olmsted Plaza Site, the Van Ness Site (as defined in the Application), and Parcel B and Parcel C (each as defined in the Application), renovation of the remainder of the Sears Building, construction of up to two parking garages and reconfiguration of

the surface parking lots ("Phase 1B"); and the third of such Phases to be undertaken by OPA pursuant to Section 18C of Chapter 121A and consisting of the construction of a new building on Parcel B and a new building on Parcel C ("Phase 2"); and

WHEREAS, the Project and the undertaking of Phase 1A by the 1A Partnership and Phase 1B and Phase 2 by OPA were approved by the Authority by vote on _____, 1991; and

WHEREAS, the Mayor of the City approved the Authority's approval on _____, 1991; and

WHEREAS, the vote of the Authority and the approval of the Mayor of the City were filed with the office of the City Clerk on _____, 1991, and such approval has become final and binding pursuant to the provisions of Chapter 121A; and

WHEREAS, pursuant to the provisions of Chapter 121A, the Authority is requiring the 1A Partnership to enter into a Regulatory Agreement with the Authority; and

WHEREAS, pursuant to the provisions of Chapter 121A the Authority is requiring OPA to enter into a Regulatory Agreement on substantially the same terms and conditions as this Regulatory Agreement, insofar as applicable, with respect to Phase 1B and Phase 2 (the "1B Regulatory Agreement").

NOW, THEREFORE, the 1A Partnership agrees by this Regulatory Agreement for itself, its successors and assigns with the Authority as follows:

1. The 1A Partnership shall finance Phase 1A as stated in Paragraph 4 of the approved Application. Subject to the presently existing provisions of Chapter 121A and so long as Chapter 121A shall be applicable to the Project, any additional financing required in connection with completion of Phase 1A prior to issuance of final certificates of occupancy for all of Phase 1A may be made without the approval of the Authority if provided by (i) an insurance company, bank or other recognized financial institution, (ii) the 1A Partnership or any general or limited partner of the 1A Partnership, or (iii) the Commonwealth of Massachusetts, the City of Boston or any political subdivision thereof. All other future financing shall be made only with the prior written approval of the Authority as to the terms thereof and the identity of the financing party or parties, which approval shall not be unreasonably withheld.

2. The 1A Partnership shall keep the accounts for Phase 1A separate and apart from any other activities conducted by the 1A Partnership or its principals and shall not expend income from Phase 1A other than earnings as described in Chapter 121A upon or for the benefit of any other of its activities.

3. The 1A Partnership shall comply with the provisions contained in Section 8 of Chapter 121A relative to the inspection of buildings and enforcement of compliance with the financing program and rules and regulations applicable to Phase 1A.

4. The partners of the 1A Partnership shall not receive or accept, while this Regulatory Agreement is in force, as net income from Phase 1A any sum in excess of eight percent (8%) of the amount invested by them in Phase 1A, as described in the Application, each year in which the 1A Partnership owns or has owned Phase 1A, except that, if in any year the Partners have received a sum less than the aforesaid eight percent (8%), they may so receive in a subsequent year or years, additional sums not exceeding in the aggregate such deficiency without interest over and above the sum of eight percent (8%) of such amount invested by the them in Phase 1A. Nothing contained in this paragraph, however, shall be applicable to the distribution of profits from the sale of capital assets or equity interest of the 1A Partnership or the refinancing of any Phase 1A loan.

5. In consideration of the exemption of the 1A Partnership and all its real and personal property from taxation and from betterments and special assessments and from the payment of any tax, excise or assessment to or for the Commonwealth or any of its political subdivisions on account of Phase 1A, the 1A Partnership will pay the excises with respect to Phase 1A which a Chapter 121A entity would be bound to pay under the formulae and provisions set forth in Section 10 of Chapter 121A and agreed upon between the parties as outlined in the executed Section 6A Contract dated _____, 1991 between the 1A Partnership and the City of Boston (the "Section 6A Contract").

6. This Agreement shall continue for a term commencing on the effective date of the Approval and shall terminate on the date on which the property tax exemption provided to the 1A Partnership under Chapter 121A terminates. Neither Phase 1A nor the 1A Partnership shall thereafter be subject to the obligations of Chapter 121A nor enjoy the rights and privileges thereunder, nor be subject to the terms, conditions and obligations of this Regulatory Agreement as provided for in Chapter 121A. If Unit 1A is not acquired by the 1A Partnership within two (2) years from the date of the Approval, this Regulatory Agreement shall be null and void and of no further force and effect.

7. If the 1A Partnership or the 1A Partnership's mortgage lender or lenders propose, acting either under the provisions of the last paragraph of Section 11 or under any other provision of Chapter 121A, to transfer Unit 1A to a different entity, this Regulatory Agreement shall, upon transfer, be terminated and a new Regulatory Agreement on substantially the same terms and provisions as contained herein shall be entered into.

8. This Regulatory Agreement shall be binding upon and the benefits hereunder shall inure to the 1A Partnership, its legal representatives, successors in office or interest and assigns. The obligations of the Authority hereunder shall be binding upon its successors for the benefit of the 1A Partnership and its successors and assigns in title to Unit 1A.

9. Except as otherwise permitted in the Report and Decision of the Authority approving the Project dated _____ (the "Approval"), the 1A Partnership hereby covenants with and agrees with the Authority that it will not voluntarily transfer, assign, convey or sell or in any manner hypothecate its interest in Unit 1A prior to the substantial completion of Phase 1A construction, other than so-called punchlist items ("Substantial Completion"), without the express written consent and approval of the Authority. The written consent and approval of the Authority, whenever required by the terms of this Regulatory Agreement or the Approval, shall not be unreasonably delayed or withheld. As a condition to any transfer of Unit 1A prior to Substantial Completion in accordance with the Approval or as otherwise approved by the Authority, the 1A Partnership will cause the transferee to enter into a new Regulatory Agreement with the Authority on substantially the same terms and conditions as this Regulatory Agreement.

10. Prior to Substantial Completion of Phase 1A, any transferee or any person or entity succeeding to the rights and obligations and interest of the 1A Partnership in Phase 1A by operation of law, or insolvency or otherwise shall, at the option of the Authority, be deemed to have agreed to be bound by the terms, covenants and conditions of this Regulatory Agreement.

11. The 1A Partnership shall generally follow the timetable set forth in the approved Application. Subject to the provisions of Paragraph 21 hereof, if the Project does not commence within two (2) years after the date of acquisition of Unit 1A, the Authority reserves the right to rescind the Project approval in the event an extension has not been requested and approved.

12. Upon Substantial Completion of Phase 1A, the Authority shall, upon notification by the 1A Partnership, inspect Phase 1A to determine if it has been built in accordance with the Chapter 121A submission and approval. Certification evidencing compliance with Chapter 121A approval shall be filed with the Clerk of the City of Boston by the 1A Partnership.

13. The 1A Partnership agrees that it will (1) maintain full and accurate accounts, records and books relative to Phase 1A in accordance with generally accepted accounting principles and in such detail as the Authority may reasonably prescribe; (2) grant to the employees or representatives of the Authority at all times during normal business hours access to Unit 1A and to such of its accounts, records, and books as related to the 1A Partnership's obligations under this Regulatory Agreement or Chapter 121A upon reasonable prior notice by the Authority to the 1A Partnership; (3) permit said Authority or the City of Boston, or any of their approved accountants or auditors, to make reasonable annual audits of the accounts and financial records of the 1A Partnership which shall at all times be available in the Commonwealth of Massachusetts; and (4) furnish to the Authority such financial, operating, statistical and other reports, records, statements and documents on a uniform and consistent basis as may be periodically or on a one-time basis reasonably required by the Authority and copies of contracts entered into by the 1A Partnership or other documents in the possession of the 1A Partnership as the Authority may from time to time reasonably require in connection with the 1A Partnership's obligations under this Regulatory Agreement or Chapter 121A.

14. All notices required or permitted pursuant to this Regulatory Agreement shall be in writing and delivered by hand or mailed postage prepaid, by registered or certified mail, addressed in the case of the Authority to One City Hall Square, Boston, Massachusetts, and in the case of the 1A Partnership c/o JMB/Urban Development Company, Four Copley Place, Suite 600, Boston, Massachusetts 02116, Attention: Project Director, with separate copies to c/o JMB/Realty Corp., 900 No. Michigan Avenue, Chicago, Illinois 60611-1581, and Melvin R. Shuman, Esq., Hale and Dorr, 60 State Street, Boston, Massachusetts 02109, and in the case of either party to such other address as shall be designated by written notice given to the other party. Any such notice shall be deemed given when so delivered by hand or, if so mailed, two (2) days after such notice is deposited with the U.S. Postal Service.

15. The 1A Partnership shall cause Phase 1A to be constructed in a good and workmanlike manner employing materials of good quality and so as to conform to the terms and conditions of the Application, Chapter 121A, zoning, building, health, and

fire laws, codes, ordinances and regulations in effect in the City of Boston, except to the extent that the same may have been or may be duly varied or deviation has been or may be granted. Compliance by the 1A Partnership with such laws, codes, ordinances and regulations as the same may have been or may be duly varied or deviation has been or may be granted shall, subject only to the administrative jurisdiction of the Department of Public Safety, be determined by the Division of Inspectional Services, and the issuance by the Division of Inspectional Services or other duly constituted authority of one or more certificates of occupancy or equivalent documents shall be treated as conclusive evidence of compliance of construction with said laws, codes, ordinances and regulations.

16. Upon completion of construction, the 1A Partnership shall, at its own cost and expense, keep and maintain Phase 1 or cause it to be kept and maintained, in good repair, order and condition.

17. The 1A Partnership agrees to abide by the provisions of, and perform all of the obligations of OPA as set forth in, (i) the Development Plan and Development Impact Project Plan for Planned Development Area No. 36 approved by the Authority on November 30, 1989, the Boston Zoning Commission on December 13, 1989 and the Mayor of the City of Boston on December 14, 1989, as amended by Amendment to Development Plan and Development Impact Project Plan for Planned Development Area No. 36 which was approved by the Authority on August 21, 1991, the Boston Zoning Commission on October 7, 1991 and the Mayor on October 19, 1991 (the "Development Plan"), a copy of which is attached to the Application as Appendix I, (ii) the Cooperation Agreement for Planned Development Area No. 36 dated December 13, 1989 between the Authority and OPA, as amended by Amendment to Cooperation Agreement for Planned Development Area No. 36 dated as of October 15, 1991 between the Authority and OPA (the "Cooperation Agreement"), a copy of which is attached to the Application as Appendix R, and (iii) the Development Impact Project Agreement Including Provisions for the Jobs Contribution Grant for Planned Development Area No. 36 dated December 13, 1989 between the Authority and OPA, as amended by Amendment to Development Impact Project Agreement Including Provisions for the Jobs Contribution Grant for Planned Development Area No. 36 dated as of October 15, 1991 between the Authority and OPA (the "DIP Agreement"), a copy of which is attached to the Application as Appendix T, but only insofar as the provisions and obligations of the Development Plan, the Cooperation Agreement and the DIP Agreement are applicable to Phase 1A, as though the Development Plan, the Cooperation Agreement and the DIP Agreement were set forth herein in full. Notwithstanding the foregoing, any obligations of the Development

Plan, the Cooperation Agreement and the DIP Agreement which are not applicable to a particular Phase of the Project shall remain the obligation of OPA as set forth in the 1B Regulatory Agreement. Nothing stated herein shall be deemed to expand the total obligations set forth in the Development Plan, the Cooperation Agreement and the DIP Agreement, it being the intent hereof and of Paragraph 17 of the 1B Regulatory Agreement that the sum of the obligations of OPA under Paragraph 17 of the 1B Regulatory Agreement and the obligations of the 1A Partnership under this Paragraph 17 shall be equal to but never greater than the obligations of OPA as set forth in the Development Plan, the Cooperation Agreement and the DIP Agreement.

18. The 1A Partnership may operate, manage and maintain Phase 1A or employ or contract with one or more parties to operate, manage and maintain Phase 1A, or any portion thereof, pursuant to an operating lease, management agreement or other agreement. The 1A Partnership may enter into any operating lease, management agreement or other agreement with an affiliate or affiliates of the 1A Partnership. Any such party under an operating lease, Management Agreement or other agreement will in no event be subject to the provisions of Chapter 121A or of this Regulatory Agreement.

19. All material changes, deviations, alterations, or additions in or to Phase 1A are subject to review and approval by the Authority.

20. The 1A Partnership shall not effect or execute any covenant, agreement, lease, conveyance or other instrument whereby the property or any improvement thereon is restricted upon the basis of race, religion, creed, color or national origin or ancestry in the sale, lease or occupancy thereof.

21. The 1A Partnership shall comply with all state and local laws in effect from time to time forbidding discrimination or segregation by reason of race, religion, color or national origin in the sale, lease or occupancy thereof.

22. Notwithstanding anything to the contrary herein contained, the 1A Partnership shall not be considered in breach of or in default of its obligations under this Regulatory Agreement in the event of enforced delay in the performance of such obligations due to causes beyond its control, including, without limitation, acts of God, acts of the public enemy, acts of the government, riots, civil commotion, rebellion, insurrection, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and/or unusually severe weather or delays of

contractors or subcontractors. In the event of the occurrence of any such enforce delay, the time or times for performance of such obligations shall be extended for the period of the enforced delay.

23. The obligations of the 1A Partnership under this Regulatory Agreement and the Application are conditioned in all respects upon the acquisition of Unit 1A by the 1A Partnership and the issuance to it of all permissions, variances, permits and licenses which may be required with respect to the construction maintenance and management of Phase 1A, whether or not the same were specified in the Application, upon Unit 1A being exempt from taxation under Section 10 of Chapter 121A, and upon the gross income of the Partnership for purposes of Section 10 of Chapter 121A being limited to gross income actually received by the Partnership. The 1A Partnership agrees to use reasonable efforts to secure all such permissions, variances, permits and licenses and to overcome all such delays.

24. The provisions of this Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. Each and every obligation and condition contained in this Agreement, in the Approval or in any agreement or undertaking relating to the Approval is and shall be construed to be a separate and independent covenant and shall apply separately to the 1A Partnership and OPA, and a default by OPA under the Approval or under any such agreement or undertaking shall not constitute a default by the 1A Partnership. The liability of the 1A Partnership hereunder or its successors or assigns (including, without limitation, mortgagees) shall be limited solely to the assets and property of the 1A Partnership with respect to Phase 1A, and no partner, venturer, trustee, beneficiary, shareholder, officer, director or the like of the 1A Partnership, from time to time, or any such person's or entity's separate assets or property, shall have or be subject to any personal liability of the 1A Partnership hereunder. After the transfer of Unit 1A as approved by the Authority, the 1A Partnership shall no longer be subject to the obligations hereof and shall have no further liability hereunder, the Authority agreeing to look solely to such transferee.

EXECUTED as a sealed instrument as of the day and year first written above.

BOSTON REDEVELOPMENT AUTHORITY

By: _____
Stephen Coyle, Director

CITY OF BOSTON

By: _____
Mayor

By: _____
Commissioner of Assessing

SUBPARCEL 1A ASSOCIATES LIMITED
PARTNERSHIP, a Massachusetts limited
partnership

By: Olmsted Plaza 1A Associates, a
Massachusetts general partnership,
its general partner

By: JMB/Olmsted 1A Limited
Partnership, its general
partner

By: JMB/Olmsted 1A, Inc.

By: _____
Its:

By: Macomber-Olmsted Plaza 1A Limited
Partnership

By: MOPA 1A, Inc.

By: _____
Its: _____

APPROVED AS TO FORM:

Chief General Counsel

APPENDIX V-2

Proposed Regulatory Agreement

Contract Between Olmsted Plaza Associates
and the Boston Redevelopment Authority
Pursuant to Chapter 121A of the Massachusetts General Laws

This Agreement made this _____ day of _____, 1991, under Chapter 121A of the General Laws of the Commonwealth of Massachusetts, is by and between Olmsted Plaza Associates, a Massachusetts limited partnership formed under the laws of the Commonwealth of Massachusetts (hereinafter called "OPA"), and the Boston Redevelopment Authority (hereinafter called the "Authority").

WITNESSETH THAT:

WHEREAS, Olmsted Plaza Associates ("OPA") has caused to be filed with the Boston Redevelopment Authority (the "Authority") an application dated October 18, 1991 (the "Application") under the provisions of said Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, as amended (collectively, "Chapter 121A"), for approval of a project (the "Project"), more particularly described in the Application, including, but not limited to, acquisition of all or a portion of the Project Area (as defined in the Application), renovation of the Sears Building (as defined in the Application), construction of surface parking lots, construction of up to two parking garages and construction of up to two new office/research and development buildings ; and

WHEREAS, the Application requested the Authority's approval to the undertaking of the Project in three or more phases (the "Phases"), one of such phases to be undertaken by Subparcel 1A Associates Limited Partnership (the "1A Partnership") pursuant to Section 18C of Chapter 121A and consisting of the acquisition of Unit 1A ("Unit 1A") of the Condominium to be created on the Olmsted Plaza Site (as defined in the Application), renovation of a portion of the Sears Building and construction of surface parking lots (collectively, "Phase 1A"); the second of such phases to be undertaken by OPA, pursuant to Section 18C of Chapter 121A and consisting of the acquisition of Unit 1B of the Condominium to be created on the Olmsted Plaza Site, the Van Ness Site (as defined in the Application) and Parcel B and Parcel C (each as defined in the Application) (collectively, the "OPA Property"), renovation of the remainder of the Sears Building, construction of up to two parking garages and reconfiguration of the surface

parking lots ("Phase 1B"); and the third of such Phases to be undertaken by OPA pursuant to Section 18C of Chapter 121A and consisting of the construction of a new building on Parcel B and a new building on Parcel C ("Phase 2"); and

WHEREAS, the Project and the undertaking of Phase 1A by the 1A Partnership and Phase 1B and Phase 2 by OPA were approved by the Authority by vote on _____, 1991; and

WHEREAS, the Mayor of the City approved the Authority's approval on _____, 1991; and

WHEREAS, the vote of the Authority and the approval of the Mayor of the City were filed with the office of the City Clerk on _____, 1991, and such approval has become final and binding pursuant to the provisions of Chapter 121A; and

WHEREAS, pursuant to the provisions of Chapter 121A, the Authority is requiring OPA to enter into a Regulatory Agreement with the Authority; and

WHEREAS, pursuant to the provisions of Chapter 121A the Authority is requiring the 1A Partnership to enter into a Regulatory Agreement on substantially the same terms and conditions as this Regulatory Agreement, insofar as applicable, with respect to Phase 1A (the "1A Regulatory Agreement").

NOW, THEREFORE, OPA agrees by this Regulatory Agreement for itself, its successors and assigns with the Authority as follows:

1. In accordance with Paragraph 4 of the approved Application, OPA shall be required to demonstrate the means of financing which will be employed before undertaking Phase 1B and Phase 2. Subject to the presently existing provisions of Chapter 121A and so long as Chapter 121A shall be applicable to the Project, after approval of such initial financing, any additional financing required in connection with completion of Phase 1B and Phase 2 prior to issuance of final certificates of occupancy for all of Phase 1B and Phase 2 may be made without the approval of the Authority if provided by (i) an insurance company, bank or other recognized financial institution, (ii) OPA or any general or limited partner of OPA, or (iii) the Commonwealth of Massachusetts, the City of Boston or any political subdivision thereof. All other future financing shall be made only with the prior written approval of the Authority as to the terms thereof and the identity of the financing party or parties, which approval shall not be unreasonably withheld.

2. OPA shall keep the accounts for Phase 1B and Phase 2 separate and apart from any other activities conducted by OPA or its principals and shall not expend income from Phase 1B other than earnings as described in Chapter 121A upon or for the benefit of any other of its activities.

3. OPA shall comply with the provisions contained in Section 8 of Chapter 121A relative to the inspection of buildings and enforcement of compliance with the financing program and rules and regulations applicable to Phase 1B and Phase 2.

4. The partners of OPA shall not receive or accept, while this Regulatory Agreement is in force, as net income from Phase 1B and Phase 2 any sum in excess of eight percent (8%) of the amount invested by them in Phase 1B and Phase 2, as described in the Application, each year in which OPA owns or has owned Phase 1B and Phase 2, except that, if in any year the Partners have received a sum less than the aforesaid eight percent (8%), they may so receive in a subsequent year or years, additional sums not exceeding in the aggregate such deficiency without interest over and above the sum of eight percent (8%) of such amount invested by the them in Phase 1B and Phase 2. Nothing contained in this paragraph, however, shall be applicable to the distribution of profits from the sale of capital assets or equity interest of OPA or the refinancing of any Phase 1B and Phase 2 loan.

5. In consideration of the exemption of OPA and all its real and personal property from taxation and from betterments and special assessments and from the payment of any tax, excise or assessment to or for the Commonwealth or any of its political subdivisions on account of Phase 1B and Phase 2, OPA will pay the excises with respect to Phase 1B which a Chapter 121A entity would be bound to pay under the formulae and provisions set forth in Section 10 of Chapter 121A and agreed upon between the parties as outlined in the executed Section 6A Contract dated _____, 1991 between OPA and the City of Boston (the "Section 6A Contract").

6. This Agreement shall continue for a term commencing on the effective date of the Approval and shall terminate on the date on which the property tax exemption provided to OPA under Chapter 121A terminates. Neither Phase 1B and Phase 2 nor OPA shall thereafter be subject to the obligations of Chapter 121A nor enjoy the rights and privileges thereunder, nor be subject to the terms, conditions and obligations of this Agreement as provided for in Chapter 121A. If the OPA Property is not acquired by OPA within two (2) years from the date of the Approval, this Agreement shall be null and void and of no further force and effect.

7. If OPA or OPA's mortgage lender or lenders propose, acting either under the provisions of the last paragraph of Section 11 or under any other provision of Chapter 121A, to transfer the OPA Property to a different entity, this Regulatory Agreement shall, upon transfer, be terminated and a new Regulatory Agreement on substantially the same terms and provisions as contained herein shall be entered into. If OPA or OPA's mortgage lender or lenders propose, acting either under the provisions of the last paragraph of Section 11 or under any other provision of Chapter 121A, to transfer a severable portion of the OPA Property to a different entity, this Regulatory Agreement shall, upon transfer, be inapplicable to such severable portion and a new Regulatory Agreement on substantially the same terms and provisions as contained herein, insofar as applicable to such portion, shall be entered into.

8. This Regulatory Agreement shall be binding upon and the benefits hereunder shall inure to OPA, its legal representatives, successors in office or interest and assigns. The obligations of the Authority hereunder shall be binding upon its successors for the benefit of OPA and its successors and assigns in title to the OPA Property.

9. Except as otherwise permitted in the Report and Decision of the Authority approving the Project dated _____ (the "Approval"), OPA hereby covenants with and agrees with the Authority that it will not voluntarily transfer, assign, convey or sell or in any manner hypothecate its interest in the OPA Property prior to the substantial completion of Phase 1B and Phase 2 construction, other than so-called punchlist items ("Substantial Completion"), without the express written consent and approval of the Authority. The written consent and approval of the Authority, whenever required by the terms of this Regulatory Agreement or the Approval, shall not be unreasonably delayed or withheld. As a condition to any transfer of the OPA Property prior to Substantial Completion, or any severable portion thereof prior to Substantial Completion of any corresponding Subphase (as defined in the Application), in accordance with the Approval or as otherwise approved by the Authority, OPA will cause the transferee to enter into a new Regulatory Agreement with the Authority on substantially the same terms and conditions, insofar as applicable to the portion transferred in the case of a transfer of a portion of the OPA Property, as this Regulatory Agreement.

10. Prior to Substantial Completion of Phase 1B or Phase 2, other than so-called punchlist items, any transferee or any person or entity succeeding to the rights and obligations and interest of OPA in Phase 1B by operation of law, or insolvency or otherwise

shall, at the option of the Authority, be deemed to have agreed to be bound by the terms, covenants and conditions of this Regulatory Agreement.

11. OPA shall generally follow the timetable set forth in the approved Application. Subject to the provisions of Paragraph 21 hereof, if the Project does not commence within five (5) years after the completion of construction of Phase 1A, the Authority reserves the right to rescind the Approval, insofar as it applies to Phase 1B and Phase 2 (but not with respect to Phase 1A), in the event an extension has not been requested and approved.

12. Upon Substantial Completion of Phase 1B or Phase 2, or any Subphase, the Authority shall, upon notification by OPA, inspect the applicable Phase or Subphase to determine if it has been built in accordance with the Chapter 121A submission and approval. Certification evidencing compliance with Chapter 121A approval shall be filed with the Clerk of the City of Boston by OPA.

13. OPA agrees that it will (1) maintain full and accurate accounts, records and books relative to Phase 1B in accordance with generally accepted accounting principles and in such detail as the Authority may reasonably prescribe; (2) grant to the employees or representatives of the Authority at all times during normal business hours access to the OPA Property and to such of its accounts, records, and books as related to OPA's obligations under this Regulatory Agreement or Chapter 121A upon reasonable prior notice by the Authority to OPA; (3) permit said Authority or the City of Boston, or any of their approved accountants or auditors, to make reasonable annual audits of the accounts and financial records of OPA which shall at all times be available in the Commonwealth of Massachusetts; and (4) furnish to the Authority such financial, operating, statistical and other reports, records, statements and documents on a uniform and consistent basis as may be periodically or on a one-time basis reasonably required by the Authority and copies of contracts entered into by OPA or other documents in the possession of OPA as the Authority may from time to time reasonably require in connection with OPA's obligations under this Regulatory Agreement or Chapter 121A.

14. All notices required or permitted pursuant to this Regulatory Agreement shall be in writing and delivered by hand or mailed postage prepaid, by registered or certified mail, addressed in the case of the Authority to One City Hall Square, Boston, Massachusetts, and in the case of OPA c/o JMB/Urban Development Company, Four Copley Place, Suite 600, Boston, Massachusetts 02116, Attention: Project Director, with separate copies to c/o

JMB/Realty Corp., 900 No. Michigan Avenue, Chicago, Illinois 60611-1581, and Melvin R. Shuman, Esq., Hale and Dorr, 60 State Street, Boston, Massachusetts 02109, and in the case of either party to such other address as shall be designated by written notice given to the other party. Any such notice shall be deemed given when so delivered by hand or, if so mailed, two (2) days after such notice is deposited with the U.S. Postal Service.

15. OPA shall cause Phase 1B and Phase 2 to be constructed in a good and workmanlike manner employing materials of good quality and so as to conform to the terms and conditions of the Application, Chapter 121A, zoning, building, health, and fire laws, codes, ordinances and regulations in effect in the City of Boston, except to the extent that the same may have been or may be duly varied or deviation has been or may be granted. Compliance by OPA with such laws, codes, ordinances and regulations as the same may have been or may be duly varied or deviation has been or may be granted shall, subject only to the administrative jurisdiction of the Department of Public Safety, be determined by the Division of Inspectional Services, and the issuance by the Division of Inspectional Services or other duly constituted authority of one or more certificates of occupancy or equivalent documents shall be treated as conclusive evidence of compliance of construction with said laws, codes, ordinances and regulations.

16. Upon completion of construction, OPA shall, at its own cost and expense, keep and maintain Phase 1B and Phase 2 or cause them to be kept and maintained, in good repair, order and condition.

17. OPA Agrees to abide by the provisions of, and perform all of the obligations of OPA as set forth in, (i) the Development Plan and Development Impact Project Plan for Planned Development Area No. 36 approved by the Authority on November 30, 1989, the Boston Zoning Commission on December 13, 1989 and the Mayor of the City of Boston on December 14, 1989, as amended by Amendment to Development Plan and Development Impact Project Plan for Planned Development Area No. 36 which was approved by the Authority on August 21, 1991, the Boston Zoning Commission on October 7, 1991 and the Mayor on October 19, 1991 (the "Development Plan"), a copy of which is attached to the Application as Appendix I, (ii) the Cooperation Agreement for Planned Development Area No. 36 dated December 13, 1989 between the Authority and OPA, as amended by Amendment to Cooperation Agreement for Planned Development Area No. 36 dated as of October 15, 1991 between the Authority and OPA (the "Cooperation Agreement"), a copy of which is attached to the Application as Appendix R, and (iii) the Development Impact Project Agreement Including Provisions for the Jobs Contribution Grant for Planned Development Area No. 36 dated December 13, 1989

between the Authority and OPA, as amended by Amendment to Development Impact Project Agreement Including Provisions for the Jobs Contribution Grant for Planned Development Area No. 36 dated as of October 15, 1991 between the Authority and OPA (the "DIP Agreement"), a copy of which is attached to the Application as Appendix T, but only insofar as the provisions and obligations of the Development Plan, the Cooperation Agreement and the DIP Agreement are applicable to Phase 1B and Phase 2, as though the Development Plan, the Cooperation Agreement and the DIP Agreement were set forth herein in full. Notwithstanding the foregoing, any obligations of the Development Plan, the Cooperation Agreement and the DIP Agreement which are not applicable to a particular Phase of the Project shall remain the obligation of OPA. Nothing stated herein shall be deemed to expand the total obligations set forth in the Development Plan, the Cooperation Agreement and the DIP Agreement, it being the intent hereof and of Paragraph 17 of the 1A Regulatory Agreement that the sum of the obligations of the 1A Partnership under Paragraph 17 of the 1A Regulatory Agreement and the obligations of OPA under this Paragraph 17 shall be equal to but never greater than the obligations of OPA as set forth in the Development Plan, the Cooperation Agreement and the DIP Agreement.

18. OPA may operate, manage and maintain Phase 1B and Phase 2 or employ or contract with one or more parties to operate, manage and maintain Phase 1B and Phase 2, or any portion thereof, pursuant to an operating lease, management agreement or other agreement. OPA may enter into any operating lease, management agreement or other agreement with an affiliate or affiliates of OPA. Any such party under an operating lease, Management Agreement or other agreement will in no event be subject to the provisions of Chapter 121A or of this Regulatory Agreement.

19. All material changes, deviations, alterations, or additions in or to Phase 1B and Phase 2 are subject to review and approval by the Authority.

20. OPA shall not effect or execute any covenant, agreement, lease, conveyance or other instrument whereby the property or any improvement thereon is restricted upon the basis of race, religion, creed, color or national origin or ancestry in the sale, lease or occupancy thereof.

21. OPA shall comply with all state and local laws in effect from time to time forbidding discrimination or segregation by reason of race, religion, color or national origin in the sale, lease or occupancy thereof.

22. Notwithstanding anything to the contrary herein contained, OPA shall not be considered in breach of or in default of its obligations under this Regulatory Agreement in the event of enforced delay in the performance of such obligations due to causes beyond its control, including, without limitation, acts of God, acts of the public enemy, acts of the government, riots, civil commotion, rebellion, insurrection, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and/or unusually severe weather or delays of contractors or subcontractors. In the event of the occurrence of any such enforce delay, the time or times for performance of such obligations shall be extended for the period of the enforced delay.

23. The obligations of OPA under this Regulatory Agreement and the Application are conditioned in all respects upon the acquisition of the OPA Property by OPA and the issuance to it of all permissions, variances, permits and licenses which may be required with respect to the construction maintenance and management of Phase 1B and Phase 2, whether or not the same were specified in the Application, upon the OPA Property being exempt from taxation under Section 10 of Chapter 121A, and upon the gross income of OPA for purposes of Section 10 of Chapter 121A being limited to gross income actually received by OPA. OPA agrees to use reasonable efforts to secure all such permissions, variances, permits and licenses and to overcome all such delays.

24. The provisions of this Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. Each and every obligation and condition contained in this Agreement, in the Approval or in any agreement or undertaking relating to the Approval is and shall be construed to be a separate and independent covenant and shall apply separately to OPA and the 1A Partnership, and a default by the 1A Partnership under the Approval or under any such agreement or undertaking shall not constitute a default by OPA. In addition, each and every obligation and condition contained in this Agreement, in the Approval or in any agreement or undertaking relating to the Approval is and shall be construed to be a separate and independent covenant and shall apply separately to the owner of any severable portion of the Project and a default by the owner of one such portion hereunder, under the Approval or under any such agreement or undertaking shall not constitute a default by OPA, unless OPA is the owner of such portion, or by the owner of any other such portion. The liability of OPA hereunder or its successors or assigns (including, without limitation, mortgagees) shall be limited solely to the assets and property of OPA with respect to Phase 1B and Phase 2, and no partner, venturer, trustee, beneficiary, shareholder, officer, director or

the like of OPA, from time to time, or any such person's or entity's separate assets or property, shall have or be subject to any personal liability of OPA hereunder. After the transfer of the OPA Property in accordance with the Approval or as otherwise approved by the Authority, OPA shall no longer be subject to the obligations hereof and shall have no further liability hereunder, the Authority agreeing to look solely to such transferee. After the transfer of any severable portion of the OPA Property in accordance with the Approval or as otherwise approved by the Authority, OPA shall no longer be subject to the obligations hereof with respect to such portion and shall have no further liability hereunder with respect to such portion, the Authority agreeing to look solely to such transferee.

EXECUTED as a sealed instrument as of the day and year first written above.

BOSTON REDEVELOPMENT AUTHORITY

By: _____
Stephen Coyle, Director

CITY OF BOSTON

By: _____
Mayor

By: _____
Commissioner of Assessing

OLMSTED PLAZA ASSOCIATES,
a Massachusetts general partnership

By: JMB/Olmsted Limited Partnership, its
general partner

By: JMB/Olmsted, Inc.

By: _____
Its:

By: Macomber Olmsted Plaza Associates
Limited Partnership

By: MOPA, Inc.

By: _____
Its:

APPROVED AS TO FORM:

Chief General Counsel

APPENDIX W-1

Subparcel 1A Associates Limited Partnership
Agreement Not to Dispose of Interests for Phase 1A

APPENDIX W-1

Subparcel 1A Associates Limited PartnershipAgreement Not to Dispose of Interests

The undersigned, pursuant to an Application dated October 18, 1991, (the "Application") to the Boston Redevelopment Authority (the "Authority") by Olmsted Plaza Associates ("OPA") for approval of a Project under Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960 (collectively, "Chapter 121A"), in consideration of the approval of the Application (the "Approval"), and in order to comply with the Rules and Regulations of the Authority relating to such Project, hereby covenants with the Authority that it will not, prior to the time when Unit 1A (as defined in the Application) is first opened for business, dispose of its interest in the Subparcel 1A Associates Limited Partnership (the "1A Partnership"), without first obtaining permission from the Authority to do so in accordance with the provisions of the Approval.

Nothing herein shall prohibit a pledge or other transfer by way of security of such interest incident to any loan made to finance Phase 1A (as defined in the Application) in whole or in part. In the event of the same, the holder thereof (and any party claiming by, through or under such holder) shall, in accordance with Section 16A of Chapter 121A, upon its acquisition of Unit 1A or any severable portion thereof, have the option of (1) holding

the same subject to all the provisions of Chapter 121A and having all of the powers, rights, privileges, benefits and exemptions set forth in Chapter 121A; or (2) conveying or otherwise releasing its interest to a purchaser who agrees as part of the terms of conveyance or release to hold the same subject to all of the provisions of Chapter 121A and who shall thereby have all of the powers, rights, privileges, benefits and exemptions set forth in Chapter 121A; or (3) holding Unit 1A or any severable portion thereof so acquired free from all restrictions and limitations imposed by Chapter 121A and without any of the powers, rights, privileges, benefits and exemptions thereby conferred; or (4) conveying or otherwise releasing its interest in Unit 1A or a severable portion thereof to a purchaser to be held by such purchaser free of all restrictions and limitations imposed by Chapter 121A and without any of the powers, rights, privileges, benefits and exemptions thereby conferred; provided, however, that any such option must be exercised by such holder or other party by written certification filed with the Authority within one year of the acquisition of Unit 1A or a severable portion thereof.

Nothing herein shall prohibit the sale of limited partnership units in the 1A Partnership to institutional investors, without further approval, as described in the Application.

The provisions of this Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. Each and every obligation and condition contained in this Agreement, in the Approval or in any agreement

or undertaking relating to the Approval is and shall be construed to be a separate and independent covenant and shall apply separately to the 1A Partnership and OPA, and a default by OPA under the Approval or under any such agreement or undertaking shall not constitute a default by the 1A Partnership. The liability of the 1A Partnership hereunder or its successors or assigns (including, without limitation, mortgagees) shall be limited solely to the assets and property of the 1A Partnership with respect to Phase 1A (as defined in the Application), and no partner, venturer, trustee, beneficiary, shareholder, officer, director or the like of the 1A Partnership, from time to time, or any such person's or entity's separate assets or property, shall have or be subject to any personal liability of the 1A Partnership hereunder. After the transfer of Unit 1A as approved by the Authority, the 1A Partnership shall no longer be subject to the obligations hereof and shall have no further liability hereunder, the Authority agreeing to look solely to such transferee.

This Agreement shall continue for a term commencing on the effective date of the Approval and shall terminate on the date on which the property tax exemption provided to the 1A Partnership under Chapter 121A terminates. Neither Phase 1A nor the 1A Partnership shall thereafter be subject to the obligations of Chapter 121A nor enjoy the rights and privileges thereunder, nor be subject to the terms, conditions and obligations of this Agreement as provided for in Chapter 121A. If Unit 1A is not acquired by the 1A Partnership within two (2) years from the date

of the Approval, this Agreement shall be null and void and of no further force and effect.

Executed as a sealed instrument as of this ____ day of _____, 1991.

SUBPARCEL 1A ASSOCIATES LIMITED PARTNERSHIP, a
Massachusetts limited partnership

By: Olmsted Plaza 1A Associates, a
Massachusetts general partnership, its
general partner

By: JMB/Olmsted 1A Limited Partnership,
its general partner

By: JMB/Olmsted 1A, Inc.

By: _____
Its:

By: Macomber-Olmsted Plaza 1A Limited
Partnership

By: MOPA 1A, Inc.

By: _____
Its:

APPENDIX W-2

Olmsted Plaza Associates Agreement
Not to Dispose of Interests for Phase 1B and Phase 2

Not to Dispose of Interests for Phase 1B and Phase 2

APPENDIX W-2

Olmsted Plaza AssociatesAgreement Not to Dispose of Interests

The undersigned, pursuant to an Application dated October 18, 1991, (the "Application") to the Boston Redevelopment Authority (the "Authority") by Olmsted Plaza Associates ("OPA") for approval of a Project under Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960 (collectively, "Chapter 121A"), in consideration of the approval of the Application (the "Approval"), and in order to comply with the Rules and Regulations of the Authority relating to such Project, hereby covenants with the Authority that it will not, prior to the time when the OPA Property (as defined in the Application) is first opened for business, dispose of its interest in OPA, without first obtaining permission from the Authority to do so except as specifically set forth in the Application.

Nothing herein shall prohibit a pledge or other transfer by way of security of such interest incident to any loan made to finance the Project (as defined in the Application) in whole or in part. In the event of the same, the holder thereof (and any party claiming by, through or under such holder) shall, in accordance with Section 16A of Chapter 121A, upon its acquisition of the OPA Property or any severable portion thereof, have the option of (1)

holding the same subject to all the provisions of Chapter 121A and having all of the powers, rights, privileges, benefits and exemptions set forth in Chapter 121A; or (2) conveying or otherwise releasing its interest to a purchaser who agrees as part of the terms of conveyance or release to hold the same subject to all of the provisions of Chapter 121A and who shall thereby have all of the powers, rights, privileges, benefits and exemptions set forth in Chapter 121A; or (3) holding the OPA Property or any severable portion thereof so acquired free from all restrictions and limitations imposed by Chapter 121A and without any of the powers, rights, privileges, benefits and exemptions thereby conferred; or (4) conveying or otherwise releasing its interest in the OPA Property or a severable portion thereof to a purchaser to be held by such purchaser free of all restrictions and limitations imposed by Chapter 121A and without any of the powers, rights, privileges, benefits and exemptions thereby conferred; provided, however, that any such option must be exercised by such holder or other party by written certification filed with the Authority within one year of the acquisition of the OPA Property or a severable portion thereof.

Nothing herein shall prohibit the transfer of the OPA Property, or any severable portion thereof, after approval of such transfer by the Authority in accordance with the provisions of the Application. Nothing herein shall prohibit the sale of limited partnership units to institutional investors, without further approval, as described in the Application.

The provisions of this Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. Each and every obligation and condition contained in this Agreement, in the Approval or in any agreement or undertaking relating to the Approval is and shall be construed to be a separate and independent covenant and shall apply separately to OPA and the 1A Partnership, and a default by the 1A Partnership under the Approval or under any such agreement or undertaking shall not constitute a default by OPA. In addition, each and every obligation and condition contained in this Agreement, in the Approval or in any agreement or undertaking relating to the Approval is and shall be construed to be a separate and independent covenant and shall apply separately to the owner of any severable portion of the Project and a default by the owner of one such portion hereunder, under the Approval or under any such agreement or undertaking shall not constitute a default by OPA, unless OPA is the owner of such portion, or by the owner of any other such portion. The liability of OPA hereunder or its successors or assigns (including, without limitation, mortgagees) shall be limited solely to the assets and property of OPA with respect to Phase 1B and Phase 2 (as defined in the Application), and no partner, venturer, trustee, beneficiary, shareholder, officer, director or the like of OPA, from time to time, or any such person's or entity's separate assets or property, shall have or be subject to any personal liability of OPA hereunder. After the transfer of the OPA Property in

accordance with the Approval or as otherwise approved by the Authority, OPA shall no longer be subject to the obligations hereof and shall have no further liability hereunder, the Authority agreeing to look solely to such transferee. After the transfer of any severable portion of the OPA Property in accordance with the Approval or as otherwise approved by the Authority, OPA shall no longer be subject to the obligations hereof with respect to such portion and shall have no further liability hereunder with respect to such portion, the Authority agreeing to look solely to such transferee.

This Agreement shall continue for a term commencing on the effective date of the Approval and shall terminate on the date on which the property tax exemption provided to OPA under Chapter 121A terminates. Neither Phase 1B and Phase 2 nor OPA shall thereafter be subject to the obligations of Chapter 121A nor enjoy the rights and privileges thereunder, nor be subject to the terms, conditions and obligations of this Agreement as provided for in Chapter 121A. If the OPA Property is not acquired by OPA within two (2) years from the date of the Approval, this Agreement shall be null and void and of no further force and effect.

Executed as a sealed instrument as of this ____ day of
_____, 1991.

OLMSTED PLAZA ASSOCIATES,
a Massachusetts general partnership

By: JMB/Olmsted Limited Partnership, its
general partner

By: JMB/Olmsted, Inc.

By: _____
Its: _____

By: Macomber Olmsted Plaza Associates
Limited Partnership

By: MOPA, Inc.

By: _____
Its: _____

APPENDIX X

Deviations from Zoning, Health and Fire Laws, Codes, Ordinances and Regulations Requested for the Project

The Applicant requests that the Authority grant permission for the Project on the Olmsted Plaza Site and on the Van Ness Site to deviate from the Boston Zoning Code and the City of Boston Code, Ordinance 7, §§ 109 and 111, as amended, on the grounds that such permission may be granted without substantially derogating from the intent and purposes of the Boston Zoning Code, to allow the construction and operation of the Project, including renovation of the Sears Building in two or more phases, construction of surface parking on the Olmsted Plaza Site and the Van Ness Site during Phase 1A, construction of parking garages on the Olmsted Plaza Site and the Van Ness Site and reconfiguration of surface parking on the Olmsted Plaza Site during Phase 1B, and construction of a building on Parcel B and a building on Parcel C during Phase 2, all in accordance with (a) the Development Plan and Development Impact Project Plan for Planned Development Area No. 36, Olmsted Plaza, approved by the Authority on November 30, 1989, the Boston Zoning Commission on December 13, 1989 and the Mayor on December 14, 1989, as amended by an amendment thereto approved by the Authority on August 21, 1991, the Boston Zoning Commission on October 7, 1991 and the Mayor on October 19, 1991 (copies of which are included in Appendix I of this Application and incorporated herein by reference); (b) the decisions of the Board of Appeal granting exceptions, variances and conditional use permits under the Boston Zoning Code dated October 22, 1991 relating to the Project (copies of which are included in Exhibit I hereto and incorporated herein by reference); and (c) such changes to the Project as may be approved by the Authority in accordance with design review by the Authority or otherwise.

The Applicant also requests that the Authority grant permission for the portion of the Project constituting the Sears Building to deviate from the provisions of Section 26A½ of Chapter 148 of the Massachusetts General Laws ("Chapter 148") and approve a waiver and extension of the automatic sprinkler requirements contained in Chapter 148 with respect to the Sears Building such that automatic sprinklers may be installed in the Sears Building in accordance with the following specified schedule: automatic sprinklers shall be installed in the portion of the Sears Building comprised of Unit 1A after March 13, 1991 but prior to the commencement of occupancy of Unit 1A and in the portion of the Sears Building comprised of Unit 1B or any Subunit thereof prior to the commencement of occupancy of Unit 1B, or such Subunit as applicable, provided that in any event automatic sprinklers shall be installed in the entire Sears Building prior to March 13, 1998

in accordance with Chapter 148. The Authority hereby finds that such waiver and extension permitting installation of automatic sprinklers according to the schedule specified in the immediately preceding sentence and that such method of scheduling installation will sufficiently satisfy the intent and purposes of Chapter 148.

The Applicant also requests that the Authority grant permission for the construction of parking garages on the Olmsted Plaza Site and on the Van Ness Site consistent with this Application within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than fifty (50) pupils, and as a public or private hospital having more than twenty-five (25) beds, and as a church, as set forth in Paragraph 3(d) of the Application. The Authority hereby finds that construction of parking garages on the Olmsted Plaza Site and on the Van Ness Site consistent with this Application within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than fifty (50) pupils, as a public or private hospital having more than twenty-five (25) beds, and as a church, as set forth in Section 3(d) of this Application, will not be substantially detrimental to such schools, hospitals or churches.

In addition, the Applicant requests that the Authority agree that by its approval of the Application to which this Appendix is attached, such deviations from zoning, health and fire laws, codes, ordinances and regulations as may be required to construct the Project in accordance with (a), (b), and (c) set forth above, are hereby granted. Such permission may be granted without substantially derogating from the intent and purposes of such laws, codes, ordinances or regulations.

All capitalized terms used herein which are defined in the Application shall, for purposes hereof, be ascribed the meanings given to them in the Application.

EXHIBIT I

The Exhibit consists of the following decisions of the Board of Appeal dated October 22, 1991, attached hereto:

<u>Filing No.</u>	<u>Property Address</u>
BZC-15302	175 Brookline Avenue (temporary parking lot)
BZC-15303	201 Brookline Avenue a/k/a One Fullerton Street (temporary parking lot)
BZC-15306	401 Park Drive (temporary parking lot)
BZC-15307	401 Park Drive (future building)
BZC-15308	One Fullerton Street (parking garage)
BZC-15309	70 Van Ness Street (parking garage)
BZC-15310	175 Brookline Avenue (future building)
BZC-15311	201 Brookline Avenue (Sears building)



CITY OF BOSTON

BOARD OF APPEAL

OFFICE OF THE BOARD OF APPEAL

October 22, 1991

DATE

Decision of the Board of Appeal on the Appeal of

Sears, Roebuck & Company (by Olmstead Plaza Associates)

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8, at premises:

175 Brookline Avenue, Ward 21

in the following respect: Conditional Use & Variance

Article(s): 8(8-7-16A) 8(8-7-18) 8(8-7-20A) 8(8-7-22) 8(8-7-24) 8(8-7-27A) 8(8-7-29)
 8(8-7-30) 8(8-7-34) 8(8-7-35) 8(8-7-36A) 8(8-7-50) 8(8-7-54) 8(8-7-56) 8(8-7-61)
 8(8-7-68) 8(8-7-70) 8(8-7-71) 8(8-7-77) 8(8-7-83) 8(8-7-84) 8(8-7-85) 15(15-1)
 20(20-1) 21(21-1) 24(24-1)

Erect thirteen-story building for proposed occupancy as Department Stores, Research, Take-Out Restaurants, etc., in accordance with the file on record in this office.

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner as set forth in papers on file numbered BZC-15310 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, October 8, 1991

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Redevelopment Authority was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BRA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, October 22, 1991 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit #0688 dated 8/28/91 and plans submitted to the Board at its hearing and now on file in the Building Department.



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Olmsted Plaza Associates (the "Appellant") on behalf of Sears, Roebuck and Co. from the refusal of the Building Commissioner to permit construction of a thirteen story building (the "Building") proposed at 175 Brookline Avenue, Ward 21, as the same would be in violation of the Boston Zoning Code (the "Code") under Chapter 665, Acts of 1956, as amended to wit:

Use exceptions sought:

8-7, Use Item 18	8-7, Use Item 20A
8-7, Use Item 22	8-7, Use Item 24
8-7, Use Item 27A	8-7, Use Item 29
8-7, Use Item 30	8-7, Use Item 34
8-7, Use Item 35	8-7, Use Item 36A
8-7, Use Item 50	8-7, Use Item 54
8-7, Use Item 56	8-7, Use Item 61
8-7, Use Item 68	8-7, Use Item 70
8-7, Use Item 71	8-7, Use Item 77
8-7, Use Item 83	8-7, Use Item 84
8-7, Use Item 85	8-7, Use Item 16A

Other exceptions sought:

15-1 Floor Area Ratio
 20-1 Rear Yard Requirements
 21-1 Setback of Parapets
 24-1 Off-Street Loading Bay Requirements

In its formal appeal, Appellant stated in writing the grounds and reasons for its appeal from the refusal of the Building Commissioner. That document is made a part of the record of this proceeding and is incorporated in this decision.

Appellant appeals for exceptions from the above-mentioned sections of the Code pursuant to its application for a building



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permit dated August 27, 1991 and the plans submitted in connection therewith (the "Plans").

The Building is part of a proposed project (the "Project") consisting of a mixed use development of approximately 1,446,000 square feet of gross floor area ("GSF") devoted primarily to office, research and development, clinical, retail and possibly hotel uses, and a parking garage containing 1,155 spaces. The Project site is the 8.9 acre Sears Distribution Center in the Fenway District of Boston (the "Site"). The Project is described in a Development Plan and Development Impact Project Plan (the "PDA/DIP Plan") for Planned Development Area No. 36 (the "PDA"), approved by the Boston Redevelopment Authority ("BRA") on November 30, 1989 pursuant to Sections 3-1A, 26A-3 and 26B-3 of the Code, the Boston Zoning Commission on December 13, 1989 and the Mayor on December 14, 1989 (an amendment to which was approved by the BRA on August 21, 1991, the Boston Zoning Commission on October 7, 1991 and by the Mayor on October 19, 1991). The existing Sears building located on the Site is to be restored, and two new buildings, in addition to the parking garage, are to be constructed on the Site. One of the new buildings will be a nine-story building of approximately 223,000 GSF along the Site's Park Drive frontage. The Building is the other new building planned for the Site and consists of thirteen stories and 316,000 GSF, located on the Site's Brookline Avenue frontage. The Building will be principally devoted to office, clinical, research and development and related uses.

Appellant is requesting present relief, the effect of which is to revise and extend exceptions from the provisions of the Code previously granted by the Boston Board of Appeal on December 19, 1989.

The Site (which constitutes the land included in the PDA) was rezoned from B-2 and M-2 to B-2-D and M-2-D zoning districts by



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the Zoning Commission of the City of Boston on December 13, 1989, which rezoning was thereafter approved by the Mayor. The Board hereby grants the following exceptions so that the premises may be developed as proposed.

A. Use Exceptions

1. Section 8-7 (Use Items 16A, 18 and 29). Section 8-7 (Use Item 16A) provides that colleges or universities granting degrees by authority of the Commonwealth are conditional uses in B-2 and M-2 zoning districts. Section 8-7 (Use Item 18) provides that trade, professional or other schools are also conditional uses in B-2 and M-2 zoning districts. Finally, Section 8-7 (Use Item 29) provides that an adult education center building or community center is a conditional use in M-2 zoning districts. The Board hereby grants an exception from the requirements of Section 8-7 in order to permit the uses listed under Use Items 16A, 18 and 29 on any or all portions of the Site, provided that college or university uses under Use Item 16A are limited to research and development, office and storage, and uses accessory thereto, and further provided that such college or university uses under Use Item 16A are ancillary to a college or university located off-site and that use for classroom teaching under Use Item 16A shall not be permitted unless such teaching is accessory to research and development uses. The Board finds that the Project is located in an area near several universities and teaching institutions and is served by public transportation. Research, teaching and other similar uses are therefore appropriate uses of the Site and adequate and appropriate facilities will be provided on the Site for such uses. The Board notes that such uses are consistent with the general research and office plans for the Site and will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA. Such uses are already well established in the area and will not adversely affect the neighborhood. The



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proposed uses will not cause hazard to vehicles or pedestrians, nor will such institutional uses create a nuisance.

2. Section 8-7 (Use Item 20A). Use of the Site for a library or museum not conducted for profit and accessory to a use listed under Use Items 16A, 18, 23 or 24 is a conditional use in B-2 and M-2 zoning districts under Section 8-7 (Use Item 20A). The Board hereby grants an exception from the requirements of Section 8-7 in order to permit the uses listed under the Item 20A on any or all portions of the Site provided that any such use is accessory to another use of the Site that is both an actual use of the Site permitted herein and listed under Use Items 16A, 18, 22, 23 or 24. The Board notes that such uses would be located in carefully designed facilities which would not result in hazard to vehicles or pedestrians nor would such uses create a nuisance. Such library or museum uses would serve to integrate the Site with the surrounding community. The Board finds that such uses will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

3. Section 8-7 (Use Item 22). Use of the Site as a clinic, a hospital or for professional offices accessory to such uses is forbidden in M-2 districts under Section 8-7 (Use Item 22). The Board hereby grants an exception from the provisions of Section 8-7 in order to permit clinics (no overnight uses) or professional offices accessory to a hospital or sanatorium, whether or not on the same lot, under Use Item 22 on any or all portions of the Site. The Board finds that such uses are appropriate uses of the Site, as the Project is located in an area with access to related facilities. The Board notes that such uses would further serve the surrounding community and would complement the anticipated research and development uses of the Site, as well as the uses already established in the area. Such uses would not cause a hazard to vehicles or pedestrians, nor would such uses constitute



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a nuisance. Further, the Board finds that such uses will be provided on the Site in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

4. Section 8-7 (Use Item 24). Scientific research and teaching laboratories not conducted for profit and accessory to a use listed under Use Items 16, 16A, 18, 22 or 23 is a conditional use in B-2 and M-2 zoning districts under Section 8-7 (Use Item 24). The Board hereby grants an exception from the requirements of Section 8-7 in order to permit the uses listed under Use Item 24 on any or all portions of the Site. The Board finds that due to its proximity to the Longwood Medical Area and universities, the Project is an appropriate location for scientific research and teaching laboratories. The Project will provide additional space for medical and other research which is ongoing in nearby areas. The Board notes that as such research is generally quiet and self-contained, such uses will not adversely affect or cause a nuisance to the neighborhood, but will provide a service needed to stimulate the commercial revitalization of the area. There will be no serious hazard to vehicles or pedestrians from the use, as it will be located entirely on the Site. The Board notes that the Project will be carefully designed to provide adequate and appropriate facilities for the proper operation of research and teaching laboratories. The Board finds that provision of such facilities will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

5. Section 8-7 (Use Item 27A). The provision of an open space recreational building, or a structure necessary or appropriate to the enjoyment of open space, is a conditional use in B-2 and M-2 zoning districts under Section 8-7 (Use Item 27A). The Board hereby grants an exception from the provisions of Section 8-7 in order to permit the uses listed under Use Item 27A



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on any or all portions of the Site. The Board notes that the Site is close to several park areas and the development contemplated for the Site has been planned to be respectful of, and complementary to, such park areas. Accordingly, the development of the Site will include plazas, seating areas and play areas designed as amenities for pedestrians, children and occupants of the Site. The Board finds that such use of the open space portions of the Site will be a benefit to the neighborhood and will be carefully designed and maintained so as not to cause any hazard to vehicles or pedestrians and so as not to constitute a nuisance. Further, the Board finds that provision of such amenities will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

6. Section 8-7 (Use Item 30). Private clubs operated for members only are a conditional use in M-2 zoning districts under Section 8-7 (Use Item 30). The Board hereby grants an exception from the requirements of Section 8-7 in order to permit the uses listed under Use Item 30 on any or all portions of the Site. The Board notes that the accessible location of the Project makes it a convenient location for a membership organization. The Project's many amenities will be available to service such clubs. Accordingly, the Site is an appropriate location for such use. The Board finds that the use of the Site for a private club will be designed so that no hazard to pedestrians or vehicles is caused and such that the facility is in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and the such conformity has been certified to by the BRA.

7. Section 8-7 (Use Items 34 and 35). Use Item 35, department stores where merchandise is sold or displayed out of doors, is a conditional use in B-2 zoning districts under Section 8-7. Similarly, Use Item 34, stores primarily serving the local retail business needs of neighborhood residents where merchandise



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is sold or displayed out of doors, is a conditional use in B-2 districts under Section 8-7. The Board hereby grants an exception from the requirements of Section 8-7 in order to permit the uses listed under Use Items 34 and 35 on any or all portions of the Site. The Board notes that the development planned for the Site has been designed to enhance the commercial activity in the area by attracting pedestrians and shoppers who ordinarily would shop in other areas. Attractive outdoor display of a broad range of merchandise will attract pedestrians to the many retail amenities to be located on the Site. This use will benefit the neighborhood by servicing the employees of businesses in the area, and attracting pedestrians and shoppers. The Board further notes that the use will help make the Site an integral and valuable part of the neighborhood. The proposed outdoor display of merchandise will be designed so that no hazard to vehicles or pedestrians will be caused thereby. The Board finds such outdoor display of merchandise will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

8. Section 8-7 (Use Items 36A and 50). Section 8-7 (Use Item 36A) requires a conditional use permit for over-the-counter sale of food or drink in B-2 zoning districts. Section 8-7 (Use Item 50) requires a conditional use permit for restaurants and cafeterias in B-2 zoning districts. The Board hereby grants an exception from the requirements of Section 8-7 in order to permit the uses listed under Use Items 36A and 50 on any or all portions of the Site, provided that such uses shall not be designed for drive-through customers. The Board finds the Site is an appropriate location for such uses and such uses will serve local employees and shoppers. The planned food establishments will also serve the other office buildings located in the vicinity as well as other pedestrians in the area. Such uses will not adversely affect or cause a nuisance to the neighborhood, but will provide a much needed amenity which will help in the commercial



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revitalization of the area. The Board notes that there will be no serious hazard to vehicles or pedestrians from such uses, as they will be located entirely on the Site. The development planned for the Site will be carefully designed to provide adequate and appropriate facilities for the proper operation of over-the-counter food establishments and restaurants and cafeterias. The Board finds that provision of such facilities will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

9. Section 8-7 (Use Items 54 and 56). Section 8-7 (Use Item 54) requires a conditional use permit for wholesale businesses, including accessory storage, in B-2 zoning districts. Section 8-7 (Use Item 56) prohibits warehouse and storage uses in B-2 zoning districts. The Board hereby grants an exception from the provisions of Section 8-7 in order to permit the uses listed under Use Items 54 and 56 on any or all portions of the Site. The development contemplated for the Site is planned to serve the various needs of the community, which needs may include nearby indoor storage or warehouse space or supplementary space from which to operate a wholesale business. Such uses would be carefully designed with appropriate facilities. The Board finds that such uses will not cause hazard to vehicles or pedestrians and will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

10. Section 8-7 (Use Item 61). Section 8-7 (Use Item 61) provides that a rental agency, and the storing of rental vehicles is a conditional use in both the B-2 and the M-2 zoning districts. The Board hereby grants an exception from the requirements of Section 8-7 in order to permit the above uses on any or all portions of the Site. The Site is an appropriate location for a car rental agency. The business needs of many tenants and



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employees of the Project and other nearby buildings require such use to be conveniently located in the vicinity. The Board finds that a car rental agency would not cause hazard to vehicles or pedestrians in the area. Adequate and appropriate facilities will be provided for the proper operation thereof to ensure a use consistent in quality with the rest of the Project. The Board finds that a car rental agency will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

11. Section 8-7 (Use Item 68). Section 8-7 (Use Item 68) forbids establishments for the manufacture or repair of cameras, cosmetics, electronic components, optical equipment, orthopedic or medical appliances, pharmaceutical products, packaging chemicals in connection with research and development uses otherwise permitted on the Site. The Board hereby grants an exception from the provisions of Section 8-7 in order to permit the above uses listed under Use Item 68 on any or all portions of the Site; provided that manufacturing undertaken pursuant to this exception is accessory or ancillary to on-Site retail or research and development uses otherwise permitted on the Site. Such manufacturing accessory or ancillary to research and development uses shall also be limited to the manufacture of prototypical products or the limited manufacture of other products related to on-Site research and development uses otherwise permitted on the Site. The Board finds that such uses would be consistent with Appellant's plans to enhance the commercial activity in and around the Site. The Board notes that such uses may also provide an attractive amenity which will service the tenants and employees of businesses in the area, as well as other pedestrians and shoppers. Prohibition of such uses would impose a financial hardship upon the Appellant without providing a countervailing benefit. By allowing such uses, the Appellant will be able to make the most reasonable use of the Site. The Board finds that the proposed establishments will be in harmony with the general purpose and



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intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

12. Section 8-7 (Use Item 70). Section 8-7 (Use Item 70) forbids uses required to allow for the manufacture of chemicals which are objectionable or offensive for various reasons set forth in the Code. The Board hereby grants an exception from the provisions of Section 8-7 in order to permit such uses on any or all portions of the Site (subject to the same limits regarding manufacturing as are set forth in paragraph 11 above relating to Use Item 68). The Board finds that such uses would be consistent with Appellant's plans to provide space for biomedical and other research which is ongoing in the nearby Longwood Medical Area and universities. The Board notes that such uses will benefit the neighborhood by revitalizing an abandoned site and by influencing and complementing surrounding uses. If the Appellant were forbidden from using the site for uses related to research activities, the development planned for the Site would be financially infeasible and unable to attract the occupants necessary to revitalize the area. The Board finds that the use of the Site for such uses will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

13. Section 8-7 (Use Item 71). Section 8-7 (Use Item 71) provides that uses of property which are ancillary to a lawful use on an adjacent lot or a lot across the street, if such use would be a lawful accessory use on the same lot, are conditional in B-2 and M-2 zoning districts. The Board hereby grants an exception from Section 8-7 in order to permit such ancillary uses on any or all portions of the Site. The Board finds that these ancillary uses will be in harmony with the general purpose and intent of the Code, and in conformity with the PDA/DIP Plan, as they will



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provide needed ancillary uses in an attractive, safe and convenient location and that such conformity has been certified to by the BRA.

14. Section 8-7 (Use Item 77). Pursuant to Section 8-7 (Use Item 77), the keeping of laboratory animals incidental to an educational or institutional use is a conditional use in an M-2 zoning district, and is conditional in a B-2 zoning district unless accessory to Use Item 22. The Board hereby grants an exception from Section 8-7 in order to permit the uses listed under Use Item 77 on all or any portions of the Site in connection with the Project. The Project has been designed to provide office and research laboratory space for the Longwood Medical Area and university community. The keeping of laboratory animals is a necessity for many such facilities. The Board finds that the Project is an appropriate location for such use. This use will benefit the community by providing needed high-quality research space. The Project will be carefully designed to provide adequate and appropriate facilities for the proper operation of such research laboratories. The use will not adversely affect nor cause a nuisance to the neighborhood, but will provide a much-needed service which will help in the commercial revitalization of the area. There will be no serious hazard to vehicles or pedestrians from the use. The Board finds that provision of such research facilities will be in harmony with the general purpose and intent of the Code, and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

15. Section 8-7 (Use Item 83). As an accessory use, permanent dwellings for personnel required to reside on a lot for the safe and proper operation of a lawful main use is a conditional use in the M-2 zoning district under Section 8-7 (Use Item 83). The Board hereby grants an exception from the provisions of Section 8-7 in order to permit the uses listed under Use Item 83 on all or any portions of the Site. As possible uses



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might require service on a 24 hour per day basis, a resident manager or similar employee might be provided at all times in the event of an emergency. The Board notes that the Appellant would like to offer such security to the Site's tenants. Such a use would not have an adverse effect on the neighborhood, nor would such use cause a hazard to pedestrians or vehicles, or constitute a nuisance. The Board finds that such use would serve to make the Site safe and secure and, accordingly, such use would be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

16. Section 8-7 (Use Item 84). As an accessory use, any nonresidential use lawful in an I zoning district is forbidden in a B-2 zoning district and conditional in an M-2 zoning district under Section 8-7 (Use Item 84). The Board hereby grants an exception from the provisions of Section 8-7 in order to permit such accessory uses on the Site, provided that such use is also lawful in an M district. The Board finds that certain activities expected to be conducted on the Site, including activities related to biomedical research uses and equipment testing, are examples of uses which might be lawful in an I district, and accessory to lawful uses in a B-2 or M-2 district. As the Appellant hopes to attract biomedical and scientific research businesses to the Site, it will be important to be able to offer such businesses space in which to perform the full range of their business activities. Such uses would be carried on so as not to be either a hazard to the health or safety of persons on the Site or any adjacent lot and would not constitute a nuisance. The Board finds that the accessory uses would not cause a hazard to pedestrians or vehicles and would be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.



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17. Section 8-7 (Use Item 85). Section 8-7 (Use Item 85) forbids as accessory uses in B-2 or M-2 zoning districts, uses which are forbidden by the Code as main uses in those districts. The Board hereby grants exceptions to Section 8-7 to allow as accessory uses on any or all portions of the Site, all otherwise forbidden uses for which exceptions are requested above and all other uses ancillary to and ordinarily incident to, a lawful main use permitted on the Site. The Board finds that for the reasons provided in connection with the description of each such main use above, these uses as accessory uses will be in harmony with the purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

B. Other Exceptions

1. Section 15-1 (Floor Area Ratio). Section 15-1 mandates a maximum floor area ratio of 2.0 for the Site in both B-2 and M-2 zoning districts. The Board hereby grants an exception from Section 15-1 to allow a floor area ratio of 10.4 for the lot on which the Building will be located. In conformance with a literal reading of the Code, the above floor area ratio was calculated after excluding from the "total area of the lot" all portions of the Site that will be used for roads, sidewalks or other paved surfaces. If one includes these paved surfaces within the total area of the lot, the floor area ratio for the Site would be substantially reduced. The Board notes that landscaping and spacious lobbies have been included in the Project to permit access of light and air and to provide a sense of open space. A reduction in the floor area would impose a financial hardship upon the Appellant without providing a countervailing benefit. Without the requested exception, construction of the Project is not financially feasible. The Board notes that the Project will add new office, research and commercial facilities to the neighborhood, will be in physical harmony with the surrounding buildings and will add significantly to the economic and commercial vitality



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of the area. The Board finds that the proposed floor area ratio of 10.4 is therefore in harmony with the purpose and intent of the Code in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

2. Section 20-1 (Rear Yard). In an M-2 district, the rear yard requirement is 12 feet for the proposed uses. In a B-2 district, the rear yard requirement is $10 + L/20$, where L is the length of the wall parallel to the lot line, measured parallel to the lot line. Accordingly, as the Site is located partially in the B-2 district, a rear yard of $10 + 136/20$, or 16.8 feet, would be required. The actual minimum depth of the rear yard on the Site is 15 feet. The Board hereby grants an exception from the provisions of Section 20-1 in order to permit a rear yard of 15 feet. The Board notes that the Project, in conjunction with the PDA, has been designed to provide significant open and public space as well as landscaping and public amenities. Because of limited space on the Site, and in order to use the Site, requiring the Appellant to provide a 16.8 foot minimum rear yard would impose a substantial hardship on the Appellant without any countervailing benefit. Without the requested exception, construction of the Project is not financially feasible. The Board finds that for the above reasons, the proposed minimum rear yard depth of 15 feet will be in harmony with the general purpose and intent of the Code and will be in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

3. Section 21-1 (Setback of Parapets). Section 21-1 requires that front, side, and rear parapet setbacks be provided for the Project. Because changes to the design of the Project may be necessary to accommodate the Boston Redevelopment Authority during its design review of the Project, the Board hereby grants an exception from Section 21-1 so that no parapet setbacks will be required in connection with the Project. It is anticipated, however, that some parapet setbacks will be provided. If the



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Appellant were required to provide the parapet setbacks described by Section 21-1, the Project would not be financially feasible or aesthetically attractive and it might not be possible to accommodate the Boston Redevelopment Authority during its design review. The Board finds that for the above reasons, the proposed parapet setbacks will be in harmony with the general purpose and intent of the Code, and will be in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

4. Section 24-1 (Loading). Section 24-1 could require, depending on the uses located on the Site, as many as 6 loading bays for the Project. The Board hereby grants an exception from the provisions of Section 24-1 such that no loading bays will be required in connection with the Building. It is anticipated that loading bays will be provided on an adjacent parcel within the PDA. Requiring the Appellant to provide loading bays on the lot on which the Building is located would impose a substantial hardship upon the Appellant without affording a countervailing benefit as the needs of the Project have been analyzed and will be adequately provided for. The Board finds that without on-site loading bays, the Appellant will be able to make the most reasonable use of the Site while keeping the Project in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

The Board is of the opinion that the conditions required for the granting of the requested exceptions have been met and that the exceptions granted are in harmony with the general purpose and intent of the Boston Zoning Code and in conformity with the PDA/DIP Plan, as certified by the BRA in its memorandum to the Chairman, Board of Appeal, City of Boston submitted prior to the Board's hearing. The Board finds that the Applicant has complied with the Development Impact Project Requirements set forth in Sections 26A-3 and 26B-3 of the Code. However, the Board further



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finds that each exception granted has been independently justified without regard to the "linkage" and "jobs linkage" payments to be made by Appellant with respect to the Project. Accordingly, the Board hereby grants the requested exceptions. Such exceptions are granted by the Board so as to allow such deviations from the requirements of the Code sections cited above as may be needed to construct the Building at 175 Brookline Avenue as revealed by the plans and zoning computations sheets submitted to the Inspectional Services Department, as such plans may be modified in finalizing the plans for the Building and the Project, provided that the final working drawings be submitted to the BRA for design review to insure the same are consistent with drawings previously approved by the BRA and with the PDA/DIP Plan as certified to by the BRA.

Therefore, acting under its discretionary power, the Board votes to grant the requested exceptions as described above, annuls the refusal of the Inspectional Services Commissioner, and orders

OCT 22 1991
 [Faint signatures and stamps, including "RECEIVED" and "APPEAL"]



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him to grant a permit in accordance with this decision, with the following proviso which, if not complied with, shall render this decision null and void.

PROVISO: Subject to BRA design review.

APPROVED AS TO FORM:

Marsha Weinbaum
Assistant Corporation Counsel

SIGNED

OCT 22 1991

Richard J. Dennis
RICHARD J. DENNIS CHAIRMAN

James Farmer
JAMES FARMER SECRETARY

Paul Parks
PAUL PARKS

Chia-Ming Sze
CHIA-MING SZE

Angela Buonopane
*ANGELA BUONOPANE - Sub

*ALFRED GROSS - Absent



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October 22, 1991

DATE

Decision of the Board of Appeal on the Appeal of

Sears, Roebuck & Company (by Olmstead Plaza Associates)

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8, at premises:

70 Van Ness Street, Ward 5

in the following respect: Conditional Use & Variance

Article(s): 6(6-3A) 8(8-7-59) 8(8-7-71) 15(15-1) 20(20-1) 21(21-1) 23(23-9)

Erect 5½-story parking garage.

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner as set forth in papers on file numbered BZC-15309 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, October 8, 1991

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Redevelopment Authority was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BRA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, October 22, 1991 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit #0689 dated 8/28/91 and plans submitted to the Board at its hearing and now on file in the Building Department.

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Olmsted Plaza Associates ("Appellant"), on behalf of Sears Roebuck & Co., from the refusal of the Building Commissioner, to permit the construction of a parking garage and related improvements proposed for the property located at 70 Van Ness Street (the "Lot"), Ward 5, as the same would be in violation of the Boston Zoning Code ("Code") under Chapter 665, Acts of 1956, as amended to wit:

- 6-3A Additional relief required within a restricted parking district
- 8-7 Use Item 59 (CONDITIONAL)
- 8-7 Use Item 71 (CONDITIONAL)
- 15-1 Excess floor area
- 20-1 Insufficient rear yard
- 21-1 Insufficient setback of parapet
- 23-9 Parking design

In its formal appeal, Appellant stated in writing the grounds and reasons for its appeal from the refusal of the Building Commissioner. That document is made a part of the record of this proceeding and is incorporated in this decision.

Appellant appeals for relief from the above-mentioned sections of the Code pursuant to its application for a building permit dated August 27, 1991 and the plans submitted in connection therewith.



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The proposed project (the "Project") consists of the construction of a parking garage and related improvements on the Lot, bounded by Van Ness Street, Yawkey Way, a passageway and land now or formerly of Harvard Community Health Plan in the Fenway District of Boston.

The Project will be devoted to parking and uses accessory thereto, including parking ancillary to the proposed project known as Olmsted Plaza located at 201 Brookline Avenue, 401 Park Drive, 175 Brookline Avenue and One Fullerton Street ("Olmsted Plaza"). Olmsted Plaza consists of the renovation of the existing Sears Building, the construction of two new buildings devoted principally to office, research and development, clinical and retail uses and the construction of a multi-level parking garage.

The Site is located in an M-2 zoning district and in a Restricted Parking District under Section 3-1A(c) of the Code. In connection with the Project, the Board hereby grants the following conditional use permits and variances, the effect of which is to extend zoning relief previously granted by the Board on December 19, 1989, so that the premises may be developed as proposed.

A. Conditional Use Permits

1. Section 8-7 (Use Item 59) and Section 6-3A (Restricted Parking District). Pursuant to Section 8-7 (Use Item 59) and Section 6-3A of the Code, a parking garage is a conditional use on the Site because the Site is located in a Restricted Parking District and an M-2 zoning district. Accordingly, the Board hereby grants a conditional use permit to provide a parking garage accommodating up to 500 vehicles on the Site. The Site is currently paved for a parking lot and accommodates approximately 175 cars. The Site is an appropriate location for a parking garage. Local parking demands are not provided for by current



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parking and public transportation in the area. Olmsted Plaza will also create an increased demand for parking by tenants and visitors which will not be adequately served by the parking garage planned for Olmsted Plaza. The Site is located diagonally across Brookline Avenue and Van Ness Street and is also nearby to Kenmore Square and Fenway Park. The Board notes that the proposed development of a parking garage on the Site will, therefore, service the tenants and visitors of Olmsted Plaza as well other establishments in the area and neighborhood residents. Parking spaces will be available for the use of neighborhood residents, customers of local businesses and patrons of Red Sox home games when not required for occupants of and visitors to Olmsted Plaza. In addition, the Board finds that the use of the Site for a parking garage will not adversely affect the neighborhood. To the contrary, the garage will help alleviate traffic congestion in the neighborhood by providing visitors and residents with available parking facilities. Because access to and egress from the parking garage will be designed to encourage the smooth flow of traffic, no serious hazard to vehicles or pedestrians or any nuisance will be created. Furthermore, adequate and appropriate facilities will be provided to insure the proper operation of the garage. Finally, the Board finds that since the requested use will serve a traffic demand in the area which demand is not adequately provided for by public transportation, the requirement of Section 6-3A relating to Restricted Parking Districts is met.

2. Section 8-7 (Use Item 71). Section 8-7 (Use Item 71) The Board hereby grants a conditional use permit pursuant to Section 8-7 (Use Item 71) for a garage to be located on the Site in order to provide ancillary parking for Olmsted Plaza. Since the Site is located diagonally across Brookline Avenue and Van Ness Street from Olmsted Plaza, the Site is an appropriate location for such ancillary parking. Furthermore, the Board finds that the garage will serve traffic demands in the area and,

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accordingly, will not adversely affect the neighborhood. The garage will create no serious hazards to pedestrians or vehicles or create any nuisances. Finally, adequate and appropriate facilities will be provided for the operation of the garage.

Based on the above, the Board hereby grants the requested conditional use permits and finds the following in accordance with Section 6-3 of the Code with respect to each of the requested conditional use permits:

(a) that the Site is an appropriate location for the above uses;

(b) that the uses of the Site will not adversely affect the neighborhood;

(c) that there will be no serious hazard to vehicles or pedestrians from the uses;

(d) that no nuisance will be created by the uses; and

(e) that adequate and appropriate facilities will be provided for the operation of the uses.

Based on the above, the Board further finds that in accordance with Section 6-3A with regard to additional conditions required for approval of parking facilities in a restricted parking district that the parking garage will serve a traffic demand not adequately provided for by public transportation.

B. Variances

1. Section 15-1 (Floor Area Ratio). Since the Site is located in an M-2 zoning district, Section 15-1 requires a maximum floor area ratio of 2.0. The Board hereby grants a variance from



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Section 15-1 to permit a floor area ratio of approximately 4.2. Olmsted Plaza will create a demand for parking which cannot be adequately met by parking provided on the Olmsted Plaza site. For the reasons set forth above, the nearby location of the Site puts it in a unique position to provide needed additional parking facilities. Because the lot area of the Site is 34,858 square feet, the maximum gross floor area permitted on the Site by a floor area ratio of 2.0 would be 69,716 square feet. The Board notes, however, that 69,716 square feet would not enable the Appellant to provide adequate parking facilities to serve tenants and visitors of Olmsted Plaza or the surrounding neighborhood. Consequently, because of the unique circumstances described above, a floor area ratio of 2.0 would deprive the Appellant of the reasonable use of the Site. Furthermore, because the Project is not financially feasible without the requested variance, a reduction in the floor area ratio would impose a financial hardship upon the Appellant without providing a countervailing benefit. Finally, the Board notes that the design of the new facility will be in physical harmony with the surrounding buildings and will add significantly to the economic and commercial vitality of the area. The Board finds that the proposed floor area ratio of approximately 4.2 is in harmony with the purpose and intent of the Code.

3. Section 20-1 (Rear Yard). Section 20-1 requires a rear yard of 12 feet in an M-2 zoning district. The parking garage planned for the Site calls for a rear yard depth of 8 feet. The Board hereby grants a variance pursuant to Section 20-1 in order to permit such a rear yard depth. The Board finds that the traffic generated by Olmsted Plaza coupled with the limited size of the Site constitute special circumstances which are peculiar to the Site. Consequently, the minimum rear yard requirement imposed by the Code would deprive the Appellant of the reasonable use of the Site to provide necessary parking facilities. In addition, such a minimum rear yard requirement would render the Project



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financially infeasible and would impose a substantial hardship on the Appellant without any countervailing benefit. The Board finds that the proposed minimum rear yard depth of 8 feet will be in harmony with the general purpose and intent of the Code.

4. Section 21-1 (Setback of Parapets). Section 21-1 requires that front, side, and rear parapet setbacks be provided for the Site. Because changes to the design of the Project planned for the Site may be necessary to accommodate the Boston Redevelopment Authority during its design review of the Project, the Board hereby grants a variance from the provisions of Section 21-1 of the Code so that no parapet setbacks will be required in connection with the Site. Because of the unique conditions of the Site as described above, it would be a substantial hardship to Appellant to meet the requirements of this section and would effectively deprive Appellant of the use of the Site to provide adequate parking facilities to service the tenants and visitors of Olmsted Plaza as well as the neighboring community. The elimination of parapet setbacks will encourage the most appropriate use of the land in the City by enabling the Appellant to make the most use of the proposed structure and hence to provide adequate parking. The Board finds that where the structure will face public streets on two of its sides and will face a sixteen foot passageway on the other, adequate open space will be provided. Thus, the elimination of parapet setbacks will not detract from the aesthetics of the Project or of the surrounding structures. For the above reasons, the Board finds that the proposed elimination of required parapet setbacks will be in harmony with the general purpose and intent of the Code.

5. Section 23-9 (Parking Design). The Board hereby grants a variance from the provisions of Section 23-9 of the Code regarding parking design. Section 23-9(d) requires that each car space shall be no less than 8½ feet in width and 20 feet in length. For the reasons set forth above, the requirements of



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Section 23-9 would deprive the Appellant of the reasonable use of the Site. The plan for the garage provides for smaller parking spaces intended to serve compact cars while full-size spaces will be provided to meet the parking needs of larger vehicles. Consequently, the addition of smaller spaces to accommodate compact cars will increase the capacity of the garage, permitting a more effective use of the Site. The parking design requirements would decrease the capacity of the garage thus making the construction of the garage financially infeasible and creating a substantial hardship for the Appellant. The Board finds that the provision of smaller parking spaces is consistent with the practice of most parking facilities and thus will not be injurious or detrimental to the neighborhood. For the above reasons, the Board finds that the grant of the variance from the parking design requirements will be in harmony with the general purpose and intent of the Code.

Based on the above, the Board hereby grants the requested variances and finds the following in accordance with Section 7-3 of the Code with respect to each of the requested variances:

- (a) that there are special circumstances applying to the Site which are peculiar to the Site but not the neighborhood, and that said circumstances are such that the application of the provisions of the Code would deprive the Appellant of the reasonable use of the Site;
- (b) that, for reasons of practical difficulty and demonstrable and substantial hardship, the granting of each of the above variances is necessary for the reasonable use of the Site and that each of such variances is the minimum variance required to accomplish this purpose.

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- (c) that the granting of each of the variances will be in harmony with the general purpose and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In determining its findings, the Board of Appeal has taken into account (1) the number of persons residing or working upon the Lot; (2) the character and use of adjoining lots and those in the neighborhood; (3) traffic conditions in the neighborhood.

The Board is of the opinion that all of the conditions required for the granting of variances under Article 7, Sections 7-3 and 7-4 of the Code and conditional use permits under Article 6, Sections 6-3 and 6-3A of the Code, have been met and that the public benefits which will result from the granting of the relief outweigh the burdens imposed and the granting of the relief will not conflict with the intent and spirit of the Boston Zoning Code. Furthermore, the Board finds that this decision is consistent with the recommendations of the BRA. Therefore, acting under its discretionary power, the Board votes to grant the requested relief as described above, annuls the refusal of the Building



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Commissioner and orders him to grant upon it in accordance with this decision with the following proviso which, if not complied with, shall render the decision null and void.

PROVISO: Subject to BRA design review.

Approved as to Form:

Maria Weinman
Assistant Corporation Counsel

OCT 22 1991

SIGNED

Richard J. Dennis
RICHARD J. DENNIS CHAIRMAN

James Farmer
JAMES FARMER SECRETARY

Paul Parks
PAUL PARKS

Chia-Ming Sze
CHIA-MING SZE

Amato Buonomano
*ALFRED GROSS - Absent



CITY OF BOSTON

BOARD OF APPEAL

OFFICE OF THE BOARD OF APPEAL

October 22, 1991

DATE

Decision of the Board of Appeal on the Appeal of

Sears, Roebuck & Company (by Olmstead Plaza Associates)

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8, at premises:

One Fullerton Street, Ward 21

in the following respect: Variance & Conditional Use

Article(s): 6(6-3A) 8(8-7-59) 8(8-7-61) 8(8-7-72) 8(8-7-85) 15(15-1) 20(20-1)
21(21-1) 23(23-9)

Erect six-story parking garage.

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner as set forth in papers on file numbered BZC-15308 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, October 8, 1991

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Redevelopment Authority was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BRA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, October 22, 1991 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit #0690 dated 8/28/91 and plans submitted to the Board at its hearing and now on file in the Building Department.



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Olmsted Plaza Associates ("Appellant") on behalf of Sears, Roebuck and Co. from the refusal of the Building Commissioner to permit construction of a six-story parking garage (the "Garage") proposed for the property located at One Fullerton Street (the "Site"), Ward 21 as the same would be in violation of the Boston Zoning Code (the "Code") under Chapter 665, Acts of 1956, as amended, to wit:

- 6-3A Additional relief required within a restricted parking district
- 8-7 Use Item 59 (CONDITIONAL)
- 8-7 Use Item 61 (CONDITIONAL)
- 8-7 Use Item 72 (CONDITIONAL)
- 8-7 Use Item 85 (FORBIDDEN)
- 15-1 Excessive floor area
- 20-1 Insufficient rear yard
- 21-1 Insufficient setback of parapet
- 23-9 Parking design

In its formal appeal, Appellant stated in writing the grounds and reasons for its appeal from the refusal of the Building Commissioner. That document is made a part of the record of this proceeding and is incorporated in this decision.

Appellant appeals for exceptions from the above-mentioned sections of the Code pursuant to its application for a Building



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Permit dated August 27, 1991 and the plans submitted in connection therewith.

The Garage is part of a proposed project (the "Project") consisting of a mixed-use development of approximately 1,446,000 square feet of gross floor area ("GSF") devoted primarily to office, research and development, clinical, hotel and retail uses, and the Garage containing 1,155 spaces. The Project is described in a Development Plan and Development Impact Project Plan (the "PDA/DIP Plan") for Planned Development Area No. 36 (the "PDA"), approved by the Boston Redevelopment Authority ("BRA") on November 30, 1989, pursuant to Sections 3-1A, 26A-3 and 26B-3 of the Code, the Boston Zoning Commission on December 13, 1989 and the Mayor on December 14, 1989 (an amendment to which was approved by the BRA on August 21, 1991, the Boston Zoning Commission on October 7, 1991 and by the Mayor on October 19, 1991). The existing Sears Distribution Center located on the Site is to be restored and two new buildings, in addition to the Garage, are to be constructed on the Site.

The Site (which constitutes the land included in the PDA) was rezoned from B-2 and M-2 to B-2-D and M-2-D zoning districts by the Zoning Commission of the City of Boston on December 13, 1989, which rezoning was thereafter approved by the Mayor. The Board hereby grants the following exceptions from the provisions of the Code, the effect of which is to extend exceptions previously granted by the Boston Zoning Board of Appeal on December 19, 1989.

A. Use Exceptions

1. Section 8-7 (Use Item 59) and Section 6-3A (Restricted Parking District). Pursuant to Section 8-7 (Use Item 59) and Code Section 6-3A, a parking garage is a conditional use in both B-2 and M-2 zoning districts where the site is also located in a Restricted Parking District. The Board hereby grants an exception



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from the requirements of Sections 8-7 and 6-3A to permit the uses listed under Use Item 59 on any or all portions of the Site so that a parking garage with a capacity of up to 1,155 vehicles may be constructed on the Site. The development on the Site will create a demand for parking spaces. Consequently, the plans for the development on the Site call for a parking garage to be built on the Site to address the parking needs of the tenants of the Site. The Site is an appropriate location for a parking garage. The Board notes that because of its proximity to Fenway Park and Kenmore Square, many of the spaces could be used by patrons of the Red Sox during evening home games or by customers of local businesses, when not required for occupants of and visitors to the Site. Local parking demands are not provided for by current parking and public transportation in the area. Access to and egress from the parking garage will be designed to encourage the smooth flow of traffic. No serious hazard to vehicles or pedestrians or any nuisance will be created, and adequate and appropriate facilities will be provided to insure the proper operation of the garage. The Board finds that the Appellant has complied with the Development Impact Project Requirements set forth in Sections 26A-3 and 26B-3 of the Code. The Board finds that the parking garage will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

2. Section 8-7 (Use Item 61). Section 8-7 (Use Item 61) provides that a rental agency and the storing of vehicles is a conditional use in both B-2 and M-2 zoning districts. The Board hereby grants an exception from the requirements of Section 8-7 in order to permit the above uses on any or all portions of the Site. The Site is an appropriate location for a car rental agency. The Board notes that the business needs of many tenants and employees of the planned development on the Site and other nearby buildings require such use to be conveniently located in the vicinity. A car rental agency would not cause hazard to vehicles or



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pedestrians in the area. Adequate and appropriate facilities will be provided for the proper operation thereof to ensure a use consistent in quality with the rest of the planned development. The Board finds that a car rental agency will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified by the BRA, as it will provide a convenient amenity for the area in an attractive, well-designed setting.

3. Section 8-7 (Use Item 72). Section 8-7 (Use Item 72) requires a conditional use permit for a parking garage as an accessory use in an M-2 zoning district when the site is also in a restricted parking district. The Board hereby grants an exception from Section 8-7 in order to permit the uses listed under Use Item 72 on all or any portion of the Site, so that a parking garage with a capacity of up to 1,155 vehicles may be constructed on the Site. The Site is an appropriate location for a parking garage. Because of its proximity to Fenway Park and Kenmore Square, many of the spaces could be used by patrons of the Red Sox during evening home games or by customers of local businesses, when not required for occupants of and visitors to the Site. Local parking demands are not provided for by current parking and public transportation in the area. Access to and egress from the parking garage will be designed to encourage the smooth flow of traffic. No serious hazard to vehicles or pedestrians or any nuisance will be created, and adequate and appropriate facilities will be provided to insure the proper operation of the garage. The Board finds that the parking garage will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

4. Section 8-7 (Use Item 85). Section 8-7 (Use Item 85) forbids, as accessory uses in B-2 or M-2 zoning districts, uses which are forbidden by the Code as main uses in those districts.

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The Board hereby grants exceptions to Section 8-7 to allow as accessory uses on any or all portions of the Site all otherwise forbidden uses for which exceptions are listed above and all other uses ancillary to, and ordinarily incident to, a lawful main use permitted on the Site. The Board finds that these uses as accessory uses will be in harmony with the purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

B. Other Exceptions

1. Section 6-3A (Restricted Parking District). See discussion of Section 8-7 (Use Item 59).

2. Section 15-1 (Floor Area Ratio). Section 15-1 mandates a maximum floor area ratio of 2.0 for the Site in both B-2 and M-2 zoning districts. The Board hereby grants an exception from Section 15-1 to allow a floor area ratio of 5.75 for the lot on which the Garage is located. In conformance with a literal reading of the Code, the above floor area ratio was calculated after excluding from the "total area of the lot" all portions of the Site that will be used for roads, sidewalks or other paved surfaces. If one includes these paved surfaces within the total area of the lot, the floor area ratio for the lot would be substantially reduced. A reduction in the floor area ratio would impose a financial hardship upon the Appellant without providing a countervailing benefit. Without the requested exception, construction of the contemplated development on the Site is not financially feasible. The Board finds that the development planned on the Site will add new office, research, parking and commercial facilities to the neighborhood, will be in physical harmony with the surrounding buildings and will add significantly to the economic and commercial vitality of the area. The Board finds that the proposed floor area ratio of 5.75 is therefore in harmony with the purpose and intent of the Code and in conformity



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with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

3. Section 20-1 (Rear Yard). Section 20-1 requires a rear yard of 12 feet in an M-2 zoning district and a rear yard of $10 + L/20$ feet in a B-2 district, in this case a distance equalling 32.8 feet. The development planned for the site calls for a minimum rear yard depth of 2 feet in the M-2 district and 18 feet in the B-2 district. The Board hereby grants an exception from the provisions of Section 20-1 in order to permit these rear yard depths. The Board finds that the proposed development, in conjunction with the PDA, has been designed to provide significant open and public space as well as landscaping and public amenities. Because of limited space on the Site, and in order to achieve integrated development on the Site, requiring the Appellant to provide a 12 foot minimum rear yard in the M-2 district and a 32.8 foot rear yard in the B-2 district would impose a substantial hardship on the Appellant without any countervailing benefit. Without the requested exception, construction of the development planned on the Site is not financially feasible. The Board finds that for the above reasons, the proposed minimum rear yard depth of 2 feet in the M-2-D district and 18 feet in the B-2-D district will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

4. Section 21-1 (Setback of Parapets). Section 21-1 requires that front, side, and rear parapet setbacks be provided for the Site. Because changes to the design of the development planned for the Site may be necessary to accommodate the Boston Redevelopment Authority during its design review of the development, the Board hereby grants an exception from Section 21-1 so that no parapet setbacks will be required in connection with the Site. It is anticipated, however, that some parapet setbacks will be provided. If the Appellant were required



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to provide the parapet setbacks described by Section 21-1, the development proposed for the Site would not be financially feasible or aesthetically attractive and it might not be possible to accommodate the Boston Redevelopment Authority during its design review. For the above reasons, the Board finds that the proposed parapet setbacks will be in harmony with the general purpose and intent of the Code, and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

5. Section 23-9 (Parking Design). Section 23-9 requires that each parking space serving the Site be 8½ feet x 20 feet in size. Certain of the parking spaces in the parking garage will be less than 8½ feet wide, and accordingly, the Board hereby grants an exception from the provisions of Section 23-9 allowing parking spaces on the Site to be less than 8½ feet wide. The smaller parking spaces will be intended to serve compact cars. Full-size spaces will be provided to meet the parking needs of larger vehicles. The Board notes that the provision of smaller parking spaces is consistent with the practice of most parking facilities. Such spaces will adequately and safely accommodate smaller cars. The use of smaller spaces will also permit a more effective use of the Site. For the above reasons, the Board finds that the proposed parking design will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

The Board is of the opinion that the conditions required for the granting of the requested exceptions have been met and that the exceptions granted are in harmony with the general purpose and intent of the Boston Zoning Code and in conformity with the PDA/DIP Plan, as certified by the BRA in its memorandum to the Chairman, Board of Appeal, City of Boston submitted prior to the Board's hearing, a copy of which is attached hereto and incorporated herein by reference. The Board finds that the

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Appellant has complied with the Development Impact Project Requirements set forth in Sections 26AS-3 and 26B-3 of the Code. However, the Board further finds that each exception granted has been independently justified without regard to the "linkage" and "jobs linkage" payments to be made by Appellant with respect to the Project. Accordingly, the Board hereby grants the requested exceptions. Such exceptions are granted by the Board so as to allow such deviations from the requirements of the Code Sections cited above as may be needed to construct the Garage at One Fullerton Street as revealed by the plans and zoning computation sheets submitted to the Inspectional Services Department, as such plans may be modified in finalizing the plans for the Garage and the Project, provided that the final working drawings be submitted to the BRA for design review to insure the same are consistent with drawings previously approved by the BRA and with the PDA/DIP Plan as certified to by the BRA.

Therefore, acting under its discretionary power, the Board votes to grant the requested exceptions as described above, annuls the refusal of the Inspectional Services Commissioner, and orders him to grant a permit in accordance with this decision, with the

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following proviso which, if not complied with, shall render this decision null and void.

PROVISO: Subject to BRA design review.

APPROVED AS TO FORM:

Mark Weintraub
Assistant Corporation Counsel

OCT 22 1991

SIGNED

Richard J. Dennis
RICHARD J. DENNIS CHAIRMAN

James Farmer
JAMES FARMER SECRETARY

Paul Parks
PAUL PARKS

Chia-Ming Sze
CHIA-MING SZE

* Alfred Gross - Absent
* ALFRED GROSS - Absent

CITY OF BOSTON



BOARD OF APPEAL

OFFICE OF THE BOARD OF APPEAL

October 22, 1991

DATE

Decision of the Board of Appeal on the Appeal of

Sears, Roebuck & Company (by Olmstead Plaza Associates)

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8, at premises:

401 Park Drive, Ward 21

in the following respect: Conditional Use & Variance

Article(s): 8(8-7-16A) 8(8-7-18) 8(8-7-20A) 8(8-7-22) 8(8-7-24) 8(8-7-27A) 8(8-7-29)
 8(8-7-30) 8(8-7-34) 8(8-7-35) 8(8-7-36A) 8(8-7-50) 8(8-7-54) 8(8-7-56) 8(8-7-61)
 8(8-7-68) 8(8-7-70) 8(8-7-71) 8(8-7-77) 8(8-7-83) 8(8-7-84) 8(8-7-85) 15(15-1)
 21(21-1) 24(24-1) 25(25-5)

Erect nine-story building for proposed occupancy as Office, Retail, Research & Development, ect., in accordance with the file on record in this office.

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner as set forth in papers on file numbered BZC-15307 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, October 8, 1991

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Redevelopment Authority was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BRA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, October 22, 1991 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit # 0687 dated 8/28/91 and plans submitted to the Board at its hearing and now on file in the Building Department.



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Olmsted Plaza Associates (the "Appellant") on behalf of Sears, Roebuck and Co. from the refusal of the Building Commissioner to permit construction of a nine story building (the "Building") proposed at 401 Park Drive, Ward 21, as the same would be in violation of the Boston Zoning Code (the "Code") under Chapter 665, Acts of 1956, as amended to wit:

Use exceptions sought:

8-7, Use Item 16A	8-7, Use Item 18
8-7, Use Item 20A	8-7, Use Item 22
8-7, Use Item 24	8-7, Use Item 27A
8-7, Use Item 29	8-7, Use Item 30
8-7, Use Item 34	8-7, Use Item 35
8-7, Use Item 36A	8-7, Use Item 50
8-7, Use Item 54	8-7, Use Item 56
8-7, Use Item 61	8-7, Use Item 68
8-7, Use Item 70	8-7, Use Item 71
8-7, Use Item 77	8-7, Use Item 83
8-7, Use Item 84	8-7, Use Item 85

Other exceptions sought:

15-1 Floor Area Ratio
 21-1 Setback of Parapets
 24-1 Off-Street Loading Bay Requirements
 25-5 Flood Hazard District

In its formal appeal, Appellant stated in writing the grounds and reasons for its appeal from the refusal of the Building Commissioner. That document is made a part of the record of this proceeding and is incorporated in this decision.

Appellant appeals for exceptions from the above-mentioned sections of the Code pursuant to its application for a building



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permit dated August 27, 1991 and the plans submitted in connection therewith (the "Plans").

The Building is part of a proposed project (the "Project") consisting of a mixed use development of approximately 1,446,000 square feet of gross floor area ("GSF") devoted primarily to office, research and development, clinical and retail uses, and a parking garage containing 1,155 spaces. The Project site is the 8.9 acre site of the former Sears Distribution Center in the Fenway District of Boston (the "Site"). The Project is described in a Development Plan and Development Impact Project Plan (the "PDA/DIP Plan") for Planned Development Area No. 36 (the "PDA"), approved by the Boston Redevelopment Authority ("BRA") on November 30, 1989 pursuant to Sections 3-1A, 26A-3 and 26B-3 of the Code, the Boston Zoning Commission on December 13, 1989 and the Mayor on December 14, 1989 (an amendment to which was approved by the BRA on August 21, 1991, the Boston Zoning Commission on October 7, 1991 and by the Mayor on October 19, 1991). The existing Sears building located on the Site is to be restored, and two new buildings, in addition to the parking garage, are to be constructed on the Site. The Building will be a nine-story building of approximately 223,000 GSF along the Site's Park Drive frontage. The other new building planned for the Site consists of thirteen stories and approximately 316,000 GSF, and is located on the Site's Brookline Avenue frontage. The Building will be principally devoted to office, clinical, research and development and related uses. Appellant is requesting zoning relief, the effect of which is to revise and extend exceptions from the provisions of the Code previously granted by the Boston Board of Appeal on December 19, 1989.

The Site (which constitutes the land included in the PDA) was rezoned from B-2 and M-2 to B-2-D and M-2-D zoning districts by the Zoning Commission of the City of Boston on December 13, 1989, which rezoning was thereafter approved by the Mayor. The Board



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hereby grants the following exceptions so that the premises may be developed as proposed.

A. Use Exceptions

1. Section 8-7 (Use Items 16A, 18 and 29). Section 8-7 (Use Item 16A) provides that colleges or universities granting degrees by authority of the Commonwealth are conditional uses in B-2 and M-2 zoning districts. Section 8-7 (Use Item 18) provides that trade, professional or other schools are also conditional uses in B-2 and M-2 zoning districts. Finally, Section 8-7 (Use Item 29) provides that an adult education center building or community center is a conditional use in M-2 zoning districts. The Board hereby grants an exception from the requirements of Section 8-7 in order to permit the uses listed under Use Items 16A, 18 and 29 on any or all portions of the Site provided that college or university uses under Use Item 16A are limited to research and development, office and storage, and uses accessory thereto, and further provided that such college or university uses under Use Item 16A are ancillary to a college or university located off-site and that use for classroom teaching under Use Item 16A shall not be permitted unless such teaching is accessory to research and development uses. The Project is located in an area near several universities and teaching institutions and is served by public transportation. Research, teaching and other similar uses are therefore appropriate uses of the Project and adequate and appropriate facilities will be provided in the Project for such uses. The Board notes that such uses are consistent with the general research and office plans for the Project and will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA. Such uses are already well established in the area and will not adversely affect the neighborhood. The proposed uses will not cause hazard to

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vehicles or pedestrians, nor will such institutional uses create a nuisance.

2. Section 8-7 (Use Item 20A). Use of the Project for a library or museum not conducted for profit and accessory to a use listed under Use Items 16A, 18, 23 or 24 is a conditional use in B-2 and M-2 zoning districts under Section 8-7 (Use Item 20A). The Board hereby grants an exception from the requirements of Section 8-7 in order to permit the uses listed under Use Item 20A on any or all portions of the Site provided that any such use is accessory to another use of the Site that is both an actual use of the Site permitted herein and listed under Use Items 16A, 18, 22, 23 or 24. The Board notes that such uses would be located in carefully designed facilities which would not result in hazard to vehicles or pedestrians nor would such uses create a nuisance. Such library or museum uses would serve to integrate the Project with the surrounding community. Such uses will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

3. Section 8-7 (Use Item 22). Use of the Project as a clinic, a hospital or for professional offices accessory to such uses is forbidden in M-2 districts under Section 8-7 (Use Item 22). The Board hereby grants an exception from the provisions of Section 8-7 in order to permit clinics (no overnight uses) or professional offices accessory to a hospital or sanatorium, whether or not on the same lot, under Use Item 22 on any or all portions of the Site. The Board notes that such uses are appropriate uses of the Project, as the Project is located in an area with access to related facilities. Such uses would further serve the surrounding community and would complement the anticipated research and development uses of the Project, as well as the uses already established in the area. Such uses would not cause a hazard to vehicles or pedestrians, nor would such uses



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constitute a nuisance. Such uses will be provided in the Project in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

4. Section 8-7 (Use Item 24). Scientific research and teaching laboratories not conducted for profit and accessory to Use Items 16, 16A, 18, 22 or 23 is a conditional use in B-2 and M-2 zoning districts under Section 6-7 (Use Item 24). The Board hereby grants an exception from the requirements of Section 8-7 in order to permit the uses listed under Use Item 24 on any or all portions of the Site. The Board finds that due to its proximity to the Longwood Medical Area and Boston University, the Project is an appropriate location for scientific research and teaching laboratories. The Project will provide additional space for medical and other research which is ongoing in nearby areas. As such research is generally quiet and self-contained, such uses will not adversely affect or cause a nuisance to the neighborhood, but will provide a service needed to stimulate the commercial revitalization of the area. There will be no serious hazard to vehicles or pedestrians from the use, as it will be located entirely within the Project. The Board notes that the Project will be carefully designed to provide adequate and appropriate facilities for the proper operation of research and teaching laboratories. Provision of such facilities will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

5. Section 8-7 (Use Item 27A). The provision of an open space recreational building, or a structure necessary or appropriate to the enjoyment of open space, is a conditional use in B-2 and M-2 zoning districts under Section 8-7 (Use Item 27A). The Board hereby grants an exception from the provisions of Section 8-7 in order to permit the uses listed under Use Item 27A

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on any or all portions of the Site. The Board notes that the Project is to be developed in a setting which is close to several park areas and has been planned to be respectful of, and complementary to, such park areas. Accordingly, the development of the Project will include plazas and seating areas designed as amenities for pedestrians and occupants of the Project. Such use of the open space portions of the Project will be a benefit to the neighborhood and will be carefully designed and maintained so as not to cause any hazard to vehicles or pedestrians and so as not to constitute a nuisance. The Board finds that provision of such amenities will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

6. Section 8-7 (Use Item 30). Private clubs operated for members only are a conditional use in M-2 zoning districts under Section 8-7 (Use Item 30). The Board hereby grants an exception from the requirements of Section 8-7 in order to permit the uses listed under Use Item 30 on any or all portions of the Site. The accessible location of the Project makes it a convenient site for a membership organization. The Project's many amenities will be available to service such clubs. Accordingly, the Project is an appropriate site for such use. The Board finds that the use of the Project for a private club will be designed so that no hazard to pedestrians or vehicles is caused and such that the facility is in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

7. Section 8-7 (Use Items 34 and 35). Use Item 35, department stores where merchandise is sold or displayed out of doors, is a conditional use in B-2 zoning districts under Section 8-7. Similarly, Use Item 34, stores primarily serving the local retail business needs of neighborhood residents where merchandise is sold or displayed out of doors, is a conditional use in B-2



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districts under Section 8-7. The Board hereby grants an exception from the requirements of Section 8-7 in order to permit the uses listed under Use Items 34 and 35 on any or all portions of the Site. The Board notes that the Project has been designed to enhance the commercial activity in the area by attracting pedestrians and shoppers who ordinarily would shop in other areas. Attractive outdoor display of a broad range of merchandise will attract pedestrians to the many retail amenities located in the Project. The Board further notes that this use will benefit the neighborhood by servicing the employees of businesses in the area, and attracting pedestrians and shoppers. The use will help make the Project an integral and valuable part of the neighborhood. The Board finds that the proposed outdoor display of merchandise will be designed so that no hazard to vehicles or pedestrians will be caused thereby. The Board finds that such outdoor display of merchandise will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

8. Section 8-7 (Use Items 36A and 50). Section 8-7 (Use Item 36A) requires a conditional use permit for over-the-counter sale of food or drink in B-2 zoning districts. Section 8-7 (Use Item 50) requires a conditional use permit for restaurants and cafeterias in B-2 zoning districts. The Board hereby grants an exception from Section 8-7 in order to permit the uses listed under Use Items 36A and 50 on any or all portions of the Site, provided that such uses shall not be designed for drive-through customers. The Project is an appropriate location for such uses and such uses will serve local employees and shoppers. The planned food establishments will also serve the other office buildings located in the vicinity as well as other pedestrians in the area. The Board finds that such uses will not adversely affect or cause a nuisance to the neighborhood, but will provide a much needed amenity which will help in the commercial revitalization of the area. There will be no serious hazard to



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vehicles or pedestrians from such uses, as they will be located entirely on the Site. The Project will be carefully designed to provide adequate and appropriate facilities for the proper operation of over-the-counter food establishments and restaurants and cafeterias. The Board finds that provision of such facilities will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

9. Section 8-7 (Use Items 54 and 56). Section 8-7 (Use Item 54) requires a conditional use permit for wholesale businesses, including accessory storage, in B-2 zoning districts. Section 8-7 (Use Item 56) prohibits warehouse and storage uses in B-2 zoning districts. The Board hereby grants an exception from the provisions of Section 8-7 in order to permit the uses listed under Use Items 54 and 56 on any or all portions of the Site. The Project is planned to serve the various needs of the community, which needs may include nearby indoor storage or warehouse space or supplementary space from which to operate a wholesale business. The Board finds that such uses will not cause hazard to vehicles or pedestrians and will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

10. Section 8-7 (Use Item 61). Section 8-7 (Use Item 61) provides that a rental agency and the storing of rental vehicles is a conditional use in both the B-2 and the M-2 zoning districts. The Board hereby grants an exception from the requirements of Section 8-7 in order to permit the above uses on any or all portions of the Site. The Site is an appropriate location for a car rental agency. The business needs of many tenants and employees of the Project and other nearby buildings require such use to be conveniently located in the vicinity. The Board finds that a car rental agency would not cause hazard to vehicles or pedestrians in the area. Adequate and appropriate facilities will

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be provided for the proper operation thereof to ensure a use consistent in quality with the rest of the Project. A car rental agency will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

11. Section 8-7 (Use Item 68). Section 8-7 (Use Item 68) forbids establishments for the manufacture or repair of cameras, cosmetics, electronic components, optical equipment, orthopedic or medical appliances, pharmaceutical products, packaging chemicals in connection with research and development uses otherwise permitted on the Site. The Board hereby grants an exception from the provisions of Section 8-7 in order to permit the above uses listed under Use Item 68 on any or all portions of the Site; provided that manufacturing undertaken pursuant to this exception is accessory or ancillary to on-Site retail or research and development uses otherwise permitted on the Site. Such manufacturing accessory or ancillary to research and development uses shall also be limited to the manufacture of prototypical products or the limited manufacture of other products related to on-Site research and development uses otherwise permitted on the Site. The Board finds that such uses would be consistent with Appellant's plans to enhance the commercial activity in and around the Site. The Board notes that such uses may also provide an attractive amenity which will service the tenants and employees of businesses in the area, as well as other pedestrians and shoppers. Prohibition of such uses would impose a financial hardship upon the Appellant without providing a countervailing benefit. By allowing such uses, the Appellant will be able to make the most reasonable use of the Site. The Board finds that the proposed establishments will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.



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12. Section 8-7 (Use Item 70). Section 8-7 (Use Item 70) forbids uses required to allow for the manufacture of chemicals which are objectionable or offensive for various reasons set forth in the Code. The Board hereby grants an exception from the provisions of Section 8-7 in order to permit such uses on any or all portions of the Site (subject to the same limits regarding manufacturing as set forth in paragraph 12 above relating to Use Item 68). The Board finds that such uses would be consistent with research and biomedical activities which are ongoing in the nearby Longwood Medical Area and universities. The Board notes that such uses will benefit the neighborhood by revitalizing an abandoned site and by influencing and complementing surrounding uses. If the Appellant were forbidden from using the Site for uses related to research and biomedical activities, the development planned for the Site would be financially infeasible and unable to attract the occupants necessary to revitalize the area. The Board finds that the use of the Site for such uses will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

13. Section 8-7 (Use Item 71). Section 8-7 (Use Item 71) provides that uses of property which are ancillary to a lawful use on an adjacent lot or a lot across the street, if such use would be a lawful accessory use on the same lot, are conditional in B-2 and M-2 zoning districts. The Board hereby grants an exception from Section 8-7 in order to permit such ancillary uses on any or all portions of the Site. The Board finds that these ancillary uses will be in harmony with the general purpose and intent of the Code, and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA, as they will provide needed ancillary uses in an attractive, safe and convenient location.



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14. Section 8-7 (Use Item 77). Pursuant to Section 8-7 (Use Item 77), the keeping of laboratory animals incidental to an educational or institutional use is a conditional use in an M-2 zoning district, and is conditional in a B-2 zoning district unless accessory to Use Item 22. The Board hereby grants an exception from Section 8-7 in order to permit the uses listed under Use Item 77 on any or all portions of the Site. The Board finds that the Project has been designed to provide office and research laboratory space for the Longwood Medical Area and university community. The keeping of laboratory animals is a necessity for many such facilities. The Project is an appropriate location for such use. This use will benefit the community by providing needed high-quality research space. The Project will be carefully designed to provide adequate and appropriate facilities for the proper operation of such research laboratories. The use will not adversely affect nor cause a nuisance to the neighborhood, but will provide a much-needed service which will help in the commercial revitalization of the area. There will be no serious hazard to vehicles or pedestrians from the use. The Board finds that provision of such research facilities will be in harmony with the general purpose and intent of the Zoning Code, and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

15. Section 8-7 (Use Item 83). As an accessory use, permanent dwellings for personnel required to reside on a lot for the safe and proper operation of a lawful main use is a conditional use in the M-2 zoning district under Section 8-7 (Use Item 83). The Board hereby grants an exception from the provisions of Section 8-7 in order to permit the uses listed under Use Item 83 on all or any portions of the Site. As use of the Project may require service on a 24 hour per day basis, it is typical that a resident manager or similar employee be available at all times in the event of an emergency. The Board notes that the Appellant would like to offer such security to the occupants



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of and visitors to the Project. Such a use would not have an adverse effect on the neighborhood, nor would such use cause a hazard to pedestrians or vehicles, or constitute a nuisance. The Board finds that such use would serve to make the Project safe and secure and, accordingly, such use would be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

16. Section 8-7 (Use Item 84). As an accessory use, any nonresidential use lawful in an I zoning district is forbidden in a B-2 zoning district and conditional in an M-2 zoning district under Section 8-7 (Use Item 84). The Board hereby grants an exception from the provisions of Section 8-7 in order to permit such accessory uses on any or all portions of the Site provided that such use is also lawful in an M district. The Board finds that certain activities expected to be conducted on the Site, including activities related to biomedical research uses and equipment testing, are examples of uses which might be lawful in an I district, and accessory to lawful uses in a B-2 or M-2 district. As the Appellant hopes to attract biomedical and scientific research businesses to the Project, it will be important to be able to offer such businesses space in which to perform the full range of their business activities. Such uses would be carried on so as not to be either a hazard to the health or safety of persons on the Site or any adjacent lot and would not constitute a nuisance. The Board finds that the accessory uses would not cause a hazard to pedestrians or vehicles and would be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

17. Section 8-7 (Use Item 85). Section 8-7 (Use Item 85) forbids as accessory uses in B-2 or M-2 zoning districts, uses which are forbidden by the Code as main uses in those districts.



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The Board hereby grants exceptions to Section 8-7 to allow as accessory uses on any or all portions of the Site, all otherwise forbidden uses for which exceptions are requested above and all other uses ancillary to, and ordinarily incident to, a lawful main use permitted on the Site. For the reasons provided in connection with the description of each such main use above, the Board finds that these uses as accessory uses will be in harmony with the purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

B. Other Exceptions

1. Section 15-1 (Floor Area Ratio). Section 15-1 mandates a maximum floor area ratio of 2.0 for the Site in both B-2 and M-2 zoning districts. The Board hereby grants an exception from Section 15-1 to allow a floor area ratio of 5.5 for the lot on which the Building is located. In conformance with a literal reading of the Code, the above floor area ratio was calculated after excluding from the "total area of the lot" all portions of the lot that will be used for roads, sidewalks or other paved surfaces. If one includes these paved surfaces within the total area of the lot, the floor area ratio for the lot would be substantially reduced. The Board notes that landscaping and spacious lobbies have been included in the Project to permit access of light and air and to provide a sense of open space. A reduction in the floor area would impose a financial hardship upon the Appellant without providing a countervailing benefit. Without the requested exception, construction of the Project is not financially feasible. The Board notes that the Project will add new office, research and commercial facilities to the neighborhood, will be in physical harmony with the surrounding buildings and will add significantly to the economic and commercial vitality of the area. The Board finds that the proposed floor area ratio of 5.5 is therefore in harmony with the purpose and intent of the



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Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

2. Section 21-1 (Setback of Parapets). Section 21-1 requires that front, side, and rear parapet setbacks be provided for the Project. Because changes to the design of the Project may be necessary to accommodate the Boston Redevelopment Authority during its design review of the Project, the Board hereby grants an exception from Section 21-1 so that no parapet setbacks will be required in connection with the Project. It is anticipated, however, that some parapet setbacks will be provided. If the Appellant were required to provide the parapet setbacks described by Section 21-1, the Project would not be financially feasible or aesthetically attractive and it might not be possible to accommodate the Boston Redevelopment Authority during its design review. The Board finds that for the above reasons, the proposed parapet setbacks will be in harmony with the general purpose and intent of the Code, and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

3. Section 24-1 (Loading). Section 24-1 could require, depending on the uses located on the Site, as many as 4 loading bays for the Project. The Board hereby grants an exception from the provisions of Section 24-1 such that no loading bays will be required in connection with the Building. It is anticipated that loading bays will be provided on an adjacent parcel within the PDA. Requiring the Appellant to provide loading bays on the Site would impose a substantial hardship upon the Appellant without affording a countervailing benefit as the needs of the Building have been analyzed and will be adequately provided for. The Board finds that without on-site loading bays, the Appellant will be able to make the most reasonable use of the Site while keeping the Project in harmony with the general purpose and intent of the Code



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and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

4. Section 25-5 (Flood Hazard District). Section 25-5(2) requires that, in connection with nonresidential construction, the lowest floor of any structure located in a flood hazard district be elevated to the level of the base flood elevation, or that (a) such structure be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water; and (b) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Additionally, Section 25-5(4) prohibits or restricts the storage of certain materials on any site in a flood hazard district. The Board hereby grants an exception from the requirements of Article 25 in order to construct a building not in compliance with Section 25-5(2), and in order to permit storage of the materials referred to in Section 25-5(4) on the Site and in order to permit paving and other preparations of the Site in connection with a temporary surface parking facility planned on the Site prior to construction of the building.

The Board notes that a study of the Site conditions reveals that the temporary parking lot and the proposed building will not derogate from the purpose of Article 25 of the Code, will comply with the provisions of the underlying subdistricts, will not overload any public water, drainage or sewer system to such an extent that the area will be subjected to health hazards, and will not be located in a floodway. Without the requested exception, construction of the Project is not financially feasible. For the above reasons, the Board finds that the proposed construction will be in harmony with the general intent and purpose of the Code and will be in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.



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The Board is of the opinion that the conditions required for the granting of the requested exceptions have been met and that all of the exceptions granted are in harmony with the general purpose and intent of the Boston Zoning Code and in conformity with the PDA/DIP Plan, as certified by the BRA in its memorandum to the Chairman, Board of Appeal, City of Boston submitted prior to the Board's hearing. The Board finds that the Applicant has complied with the Development Impact Project Requirements set forth in Sections 26A-3 and 26B-3 of the Code. However, the Board further finds that each exception granted has been independently justified without regard to the "linkage" and the "jobs linkage" payments to be made by Appellant with respect to the Project. Accordingly, the Board hereby grants the requested exceptions. Such exceptions are granted by the Board so as to allow such deviations from the requirements of the Code sections cited above as may be needed to construct the Building at 401 Park Drive as revealed by the plans and zoning computations sheets submitted to the Inspectional Services Department, as such plans may be modified in finalizing the plans for the Building and the Project, provided that the final working drawings be submitted to the BRA for design review to insure the same are consistent with drawings previously approved by the BRA and with the PDA/DIP Plan as certified to by the BRA.

Therefore, acting under its discretionary power, the Board votes to grant the requested exceptions as described above, annuls the refusal of the Inspectional Services Commissioner, and orders



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him to grant a permit in accordance with this decision, with the following proviso which, if not complied with, shall render this decision null and void.

PROVISO: Subject to BRA design review.

APPROVED AS TO FORM

Marjorie W. Tenenbaum
Assistant Corporation Counsel

OCT 22 1991

SIGNED

Richard J. Dennis
RICHARD J. DENNIS CHAIRMAN

James Farmer
JAMES FARMER SECRETARY

Paul Parks
PAUL PARKS

Chia-Ming Sze
CHIA-MING SZE

Angela Buonopane Sub
*ALFRED CROSS - ABSENT



CITY OF BOSTON

BOARD OF APPEAL

OFFICE OF THE BOARD OF APPEAL

October 22, 1991

DATE

Decision of the Board of Appeal on the Appeal of

Sears, Roebuck & Company (by Olmstead Plaza Associates)

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8, at premises:

175 Brookline Avenue, Ward 21

in the following respect: Conditional Use & Variance

Article(s): 6(6-3A) 8(8-7-58) 23(23-9) 24(24-2)

Allow premises to be used as a parking lot for motor vehicles.

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner as set forth in papers on file numbered BZC-15302 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, October 8, 1991

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Redevelopment Authority was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BRA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, October 22, 1991 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit #0684 dated 8/28/91 and plans submitted to the Board at its hearing and now on file in the Building Department.

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Olmsted Plaza Associates (the "Appellant") on behalf of Sears, Roebuck and Co. from the refusal of the Building Commissioner to permit temporary parking of up to 90 vehicles on the property located at 175 Brookline Avenue, Ward 21 as the same would be in violation of the Boston Zoning Code (the "Code") under Chapter 665, Acts of 1956, as amended to wit:

- 6-3A Additional Relief Required Within a Restricted Parking District
- 8-7 Use Item 58 (CONDITIONAL)
- 23-9 Parking Design
- 24-2 Loading Bay Design

In its formal appeal, Appellant stated in writing the grounds and reasons for its appeal from the refusal of the Building Commissioner. That document is made part of the record of this proceeding and is incorporated in this decision.

Appellant appeals for relief from the above-mentioned Sections of the Code pursuant to its application for permission to use the premises dated August 27, 1991 and the plans submitted in connection therewith.

The proposed use is part of a proposed project (the "Project") planned for the 8.9-acre Sears Distribution Center in the Fenway district of Boston (the "Site"). The Project is described in a Development Plan and Development Impact Project Plan (the "PDA/DIP Plan") for Planned Development Area No. 36 (the "PDA"), approved by the Boston Redevelopment Authority ("BRA") on November 30, 1989, pursuant to Sections 3-1A, 26A-3 and 26B-3 of the Code, the Boston Zoning Commission on December 13, 1989 and the Mayor on December 14, 1989 (an amendment to which was approved



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by the BRA on August 21, 1991, the Boston Zoning Commission on October 7, 1991 and by the Mayor on October 19, 1991). The temporary parking use will be instituted pending construction of a parking garage on the Site.

The Site (which constitutes the land included in the PDA) was rezoned from B-2 and M-2 to B-2-D and M-2-D zoning districts by the Zoning Commission of the City of Boston on December 13, 1989, which rezoning was thereafter approved by the Mayor. The Board hereby grants the following exceptions, the effect of which is to revise and extend zoning relief previously granted by the Board on December 19, 1989, so that the Premises may be used as proposed.

A. Use Exceptions

1. Section 8-7 (Use Item 58) and Section 6-3A (Restricted Parking District). Pursuant to Section 8-7 (Use Item 58) and Code Section 6-3A, a parking lot is a conditional use in both B-2 and M-2 zoning districts where the site is also located in a Restricted Parking District. The Board hereby grants an exception from the requirements of Section 8-7 and 6-3A to permit the uses listed under Use Item 58 on any or all portions of the Site in connection with the Project so that a parking lot may be operated on the Site. Prior to the construction of the building proposed for the Site, and after demolition of warehouse additions located on the Site, the Appellant plans to use the Site as a surface parking facility accommodating approximately 80 vehicles until such time as the parking garage planned for the adjacent site is constructed and approximately 90 vehicles thereafter prior to construction of the building proposed for the Site. Such parking would be available during the period when construction of a garage on an adjacent lot is occurring and would serve the occupants of the building on the adjacent lot, as well as the patrons of Fenway Park. The Board finds that such local parking demands are not provided for by current parking and public transportation in the



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area. Access to and egress from the lot will be designed to encourage the smooth flow of traffic. No serious hazard to vehicles or pedestrians or any nuisance will be created, and adequate and appropriate facilities will be provided to insure the proper operation of the lot. The Board further finds that the Appellant has complied with the Development Impact Project Requirements set forth in Sections 26A-3 and 26B-3 of the Code. The Board finds that the parking use will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

B. Other Exceptions

1. Section 6-3A (Restricted Parking District). See discussion of Section 8-7 (Use Item 58).

2. Section 23-9 (Parking Design). Section 23-9 requires that each parking space serving the Project be 8½ feet x 20 feet in size. Certain of the parking spaces on the Site will be less than 8½ feet wide, and accordingly, the Board hereby grants an exception from the provisions of Section 23-9 allowing parking spaces on the Site to be less than 8½ feet wide. The smaller parking spaces will be intended to serve compact cars. The Board notes that the provision of smaller parking spaces is consistent with the practice of most parking facilities. Such spaces will adequately and safely accommodate smaller cars. The use of smaller spaces will also permit a more effective use of the Site during the initial stages of development. The Board finds that for the above reasons, the proposed parking design will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

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3. Section 24-2 (Loading Bay Design). Section 24-2 requires that off-street loading facilities have bays, maneuvering areas and appropriate means of vehicular access to a street. Temporary loading facilities at the adjacent 201 Brookline Avenue lot, which will serve the re-phased project described in the Development Plan, require access from Brookline Avenue and across a portion of the Site. The Board hereby grants an exception from the provisions of Section 24-2 to allow access to the loading bays. The Board notes that this exception is required in order to provide for safe and adequate traffic flow. Following completion of the One Fullerton Street garage, loading bays will no longer be located at 201 Brookline Avenue. Consequently, an exception under Section 24-2 will be temporary in nature. The Board finds that the loading access will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

The Board is of the opinion that the conditions required for the granting of the requested exceptions have been met and that the exceptions granted are in harmony with the general purpose and intent of the Boston Zoning Code and in conformity with the PDA/DIP Plan, as certified by the BRA in its memorandum to the Chairman, Board of Appeal, City of Boston submitted prior to the Board's hearing; a copy of which is attached hereto and incorporated herein by reference. The Board further finds that each exception granted has been independently justified without regard to the "linkage" and "jobs linkage" payments to be made by Appellant with respect to the Project. Accordingly, the Board hereby grants the requested exceptions. Such exceptions are granted by the Board so as to allow such deviations from the requirements of the Code sections cited above as may be needed to institute the use proposed at 175 Brookline Avenue, as revealed by the plans and zoning computations sheets submitted to the Inspectional Services Department, as such plans may be modified in finalizing the plans for the Building and the Project, provided

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that the final working drawings be submitted to the BRA for design review to insure the same are consistent with drawings previously approved by the BRA and with the PDA/DIP Plan as certified to by the BRA.

Therefore, acting under its discretionary power, the Board votes to grant the requested exceptions as described above, annuls the refusal of the Inspectional Services Commissioner, and orders him to grant a permit in accordance with this decision, with the following provisos which, if not complied with, shall render this decision null and void.

PROVISO: Subject to BRA design review.

APPROVED AS TO FORM:

Muriel Wente
Assistant Corporation Counsel

OCT 22 1991

SIGNED

Richard J. Dennis
RICHARD J. DENNIS CHAIRMAN

James Farmer
JAMES FARMER SECRETARY

Paul Parks
PAUL PARKS

Chia-Ming Sze
CHIA-MING SZE

* Angelo Bubbione - Sub
* Alfred Gross - Absent



CITY OF BOSTON

BOARD OF APPEAL

OFFICE OF THE BOARD OF APPEAL

October 22, 1991

DATE

Decision of the Board of Appeal on the Appeal of

Sears, Roebuck & Company (by Olmstead Plaza Associates)

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8, at premises:

201 Brookline Avenue, A/K/A One Fullerton Street, Ward 21

in the following respect: Variance & Conditional Use

Article(s): 6(6-3A) 8(8-7-58) 23(23-9)

Allow premises to be used as a parking lot for motor vehicles & playground (tot lot).

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner as set forth in papers on file numbered BZC-15303 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, October 8, 1991

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Redevelopment Authority was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BRA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, October 22, 1991 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit #0683 dated 8/28/91 and plans submitted to the Board at its hearing and now on file in the Building Department.



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Decision of the Board of Appeal on the Appeal of

Olmsted Plaza Associates ("Appellant") on behalf of Sears, Roebuck and Co. from the refusal of the Building Commissioner to permit surface parking of 234 vehicles proposed for the property located at 201 Brookline Avenue/One Fullerton Street (the "Site"), Ward 21 as the same would be in violation of the Boston Zoning Code (the "Code") under Chapter 665, Acts of 1956, as amended, to wit:

- 6-3A Additional relief required within a restricted parking district
- 8-7 Use Item 58 (CONDITIONAL)
- 23-9 Parking design

In its formal appeal, Appellant stated in writing the grounds and reasons for its appeal from the refusal of the Building Commissioner. That document is made a part of the record of this proceeding and is incorporated in this decision.

Appellant appeals for exceptions from the above-mentioned sections of the Code pursuant to its application for a Building Permit dated August 27, 1991 and the plans submitted in connection therewith.

The proposed use is part of a proposed project (the "Project") planned for the 8.9-acre Sears Distribution Center in the Fenway district of Boston (the "Site"). The Project is described in a Development Plan and Development Impact Project Plan (the "PDA/DIP Plan") for Planned Development Area No. 36 (the "PDA"), approved by the Boston Redevelopment Authority ("BRA") on November 30, 1989 pursuant to Sections 3-1A, 26A-3 and 26B-3 of the Code, the Boston Zoning Commission on December 13, 1989 and the Mayor on December 14, 1989 (an amendment to which was approved



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by the BRA on August 21, 1991, the Boston Zoning Commission on October 7, 1991 and the Mayor on October 19, 1991). The temporary parking use will be instituted pending construction of a parking garage on the Site.

The Site (which constitutes the land included in the PDA) was rezoned from B-2 and M-2 to B-2-D and M-2-D zoning districts by the Zoning Commission of the City of Boston on December 13, 1989, which rezoning was thereafter approved by the Mayor. The Board hereby grants the following exceptions so that the premises may be developed as proposed.

The Board hereby grants the following exceptions so that the Premises may be used as proposed.

A. Use Exceptions

Section 8-7 (Use Item 58) and Section 6-3A (Restricted Parking District). Pursuant to Section 8-7 (Use Item 58) and Section 6-3A, a parking lot is a conditional use in both B-2 and M-2 zoning districts where the Site is also located in a Restricted Parking District. The Board hereby grants an exception from the requirements of Sections 8-7 and 6-3A to permit the uses listed under Use Item 58 on any or all portions of the Site in connection with the Project so that surface parking for up to 234 cars may be provided prior to completion of the parking garage previously approved for the One Fullerton Street portion of the Site. The surface parking is necessary for tenants and their employees and visitors. Such parking would be available prior to as well as during the period when construction of the garage is occurring and would serve the occupants of the building on the lot as well as the patrons of Fenway Park. While the majority of the surface parking will be provided on a temporary basis, it is anticipated that several surface parking spaces will remain on a permanent basis, for passenger drop-off and the like and the Board



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hereby grants an exception to permit no more than 15 permanent spaces on the Site. The Board finds that access to and egress from the parking lot will be designed to encourage the smooth flow of traffic. No serious hazard to vehicles or pedestrians or any nuisance will be created, and adequate and appropriate facilities will be provided to insure the proper operation of the lot. The Board further finds that the Appellant has complied with the Development Impact Project Requirements set forth in Sections 26A-3 and 26B-3 of the Code. The Board finds that the parking use will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

B. Other Exceptions

1. Section 6-3A (Restricted Parking District). See discussion of Section 8-7 (Use Item 58).

2. Section 23-9 (Parking Design). Section 23-9 requires that each parking space serving the Project be 8½ feet x 20 feet in size. Certain of the parking spaces on the Site will be less than 8½ feet wide, and accordingly, the Board hereby grants an exception from the provisions of Section 23-9 allowing parking spaces on the Site to be less than 8½ feet wide. The smaller parking spaces will be intended to serve compact cars. Full-size spaces will be provided to meet the parking needs of larger vehicles. The Board notes that the provision of smaller parking spaces is consistent with the practice of most parking facilities. Such spaces will adequately and safely accommodate smaller cars. The use of smaller spaces will also permit a more effective use of the Site. For the above reasons, the Board finds that the proposed parking design will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.



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The Board is of the opinion that the conditions required for the granting of the requested exceptions have been met and that all of the exceptions granted are in harmony with the general purpose and intent of the Boston Zoning Code and in conformity with the PDA/DIP Plan, as certified by the BRA in its memorandum to the Chairman, Board of Appeal, City of Boston submitted prior to the Board's hearing. The Board finds that the Applicant has complied with the Development Impact Project Requirements set forth in Sections 26A-3 and 26B-3 of the Code. However, the Board further finds that each exception granted has been independently justified without regard to the "linkage" and the "jobs linkage" payments to be made by Appellant with respect to the Project. Accordingly, the Board hereby grants the requested exceptions. Such exceptions are granted by the Board so as to allow such deviations from the requirements of the Code sections cited above as may be needed to provide surface parking at 201 Brookline Avenue/One Fullerton Street as revealed in the Application for Use and plans submitted to the Inspectional Services Department, as such plans may be modified in finalizing the plans for the Building and the Project, provided that the final working drawings be submitted to the BRA for design review to insure the same are consistent with drawings previously approved by the BRA and with the Development Plan as certified to by the BRA.

Therefore, acting under its discretionary power, the Board votes to grant the requested exceptions as described above, annuls the refusal of the Inspectional Services Commissioner, and orders



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him to grant a permit in accordance with this decision, with the following proviso which, if not complied with, shall render this decision null and void.

PROVISO: Subject to BRA design review.

APPROVED AS TO FORM

Assistant Corporation Counsel

OCT 22 1991

SIGNED

RICHARD J. DENNIS CHAIRMAN

JAMES FARMER SECRETARY

PAUL PARKS

CHIA-MING SZE

* Angelo Balonecine - Sub
* ALFRED GROSS - Absent



CITY OF BOSTON
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October 22, 1991

DATE

Decision of the Board of Appeal on the Appeal of

Sears, Roebuck & Company (by Olmstead Plaza Associates)

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8, at premises:

241 Brookline Avenue, Ward 21

in the following respect: Conditional Use & Variance

Article(s): 6(6-3A) 8(8-7-58) 23(23-9)

Allow premises to be used as a parking lot for motor vehicles.

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner as set forth in papers on file numbered BZC-15304 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, October 8, 1991

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Redevelopment Authority was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BRA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, October 22, 1991 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit #0682 dated 8/28/91 and plans submitted to the Board at its hearing and now on file in the Building Department.



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Olmsted Plaza Associates (the "Appellant") on behalf of Sears, Roebuck and Co. from the refusal of the Building Commissioner to permit temporary surface parking of up to 300 vehicles proposed for the property located at 241 Brookline Avenue (the "Lot"), Ward 21, as the same would be in violation of the Boston Zoning Code (the "Code") under Chapter 665, Acts of 1956, as amended to wit:

- 6-3A Additional Relief Within a Restricted Parking District
- 8-7 Use Item 58 (FORBIDDEN)
- 23-9 Parking Design

In its formal appeal, Appellant stated in writing the grounds and reasons for its appeal from the refusal of the Building Commissioner. That document is made a part of the record of this proceeding and is incorporated in this decision.

Appellant appeals for relief from the above-mentioned sections of the Code pursuant to its application for permission to use the premises dated August 27, 1991 and the plans submitted in connection therewith.

The proposed project (the "Project") consists of the operation of a commercial parking lot serving up to 300 vehicles and the construction of related improvements, including, but not limited to, an attendant shelter/gatehouse on the lot known as 241 Brookline Avenue and bounded by Park Drive, Brookline Avenue, Fenway Street and the Riverway (the "Lot").

The Project will be undertaken by Olmsted Plaza Associates, a Massachusetts general partnership ("OPA"). The net revenue



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generated from the parking lot is to be applied to the restoration of the Lot into park land. It is intended that the Lot will be donated to the City of Boston to be restored to the Olmsted park system. In connection with review of the overall Olmsted Plaza project, this proposal has undergone extensive community review and received support from a number of community and civic organizations.

The Lot is located in an H-1 zoning district and in a Restricted Parking District under Section 3-1A(c) of the Code. The Board hereby grants the following conditional use permits and variances from the provisions of the Code, the effect of which is to amend and extend zoning relief previously granted by the Boston Zoning Board of Appeal on December 19, 1989 (the "1989 Variance"), so that the premises may be utilized as proposed.

1. Section 8-7 (Use Item 58) and Section 6-3A. Pursuant to Section 8-7 (Use Item 58) of the Code, a parking lot is a forbidden use in an H district unless the parking lot is operated exclusively for the parking of motor vehicles of persons living in the neighborhood or by an establishment in a bordering B or M district without charge to its employees or customers. The Board hereby grants a variance pursuant to Section 8-7 (Use Item 58) and a Conditional Use Permit pursuant to Section 6-3A of the Boston Zoning Code (the "Code") to provide commercial parking for up to 300 vehicles on the Lot. The Lot is currently paved for parking, and was used for that purpose from approximately 1955 to 1987. Prior to its use as a parking lot, however, the Lot was owned by the City of Boston and was used as a park which was an integral part of the Olmsted park system.

The Board notes that pursuant to an agreement regarding OPA's acquisition and development of several nearby properties, the Lot is to be conveyed by Sears, Roebuck and Co. ("Sears"), its present owner, to either the City of Boston, another governmental entity



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or a non-profit organization. It is intended that the Lot be operated as a commercial parking facility on the Lot for a minimum period of two years up to a maximum period of five years, according to said agreement. It is anticipated that the net revenue generated from the operation of the Lot will be contributed to the acquisition, design and/or restoration of the Lot into park land in accordance with a conceptual restoration plan prepared by OPA. Pursuant to that plan, the existing parking lot is to be replaced with trees and sod, and walkways, lighting and benches will be installed. It is intended that the restored Lot will be owned by the City as part of the "Emerald Necklace" park system envisioned by Frederick Law Olmsted. These circumstances constitute special circumstances applicable to the Lot which circumstances are peculiar to the Lot but not the neighborhood.

The Board finds that parking on the Lot was instituted by Sears pursuant to a variance granted by the Board of Appeal in 1954, subject to a proviso that the parking thereon remain open not later than thirty minutes after the closing of the Sears facility located across Park Drive from the Lot. Another variance granted in 1981 permitted certain parking for a fee on the Lot, but limited such parking use to Sears only, providing that the use would expire upon sale, lease or other disposition of the property. As a result, the commercial parking lot intended to facilitate the ultimate restoration of a park on the Lot was not permissible under such decisions of the Board of Appeal. However, such parking lot was permitted under the provisions of the 1989 Variance.

A culvert, gatehouse and overflow conduit relating to the Muddy River storm sewer system run beneath the surface of the Lot. The City of Boston maintains a twenty-foot easement over this land for repair and maintenance. Accordingly, due to the unique conditions affecting this parcel, the Lot is unbuildable, and a



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literal enforcement of the provisions of the Code would cause substantial hardship to the Lot owner. The site is an appropriate location for an above-ground parking lot, however, and adequate and appropriate facilities for operation of such a lot are already in place on the Lot.

Furthermore, the Board finds that the desired relief will ultimately benefit the public which will again have use of the Lot as part of the park system. If such relief were not obtained, it would be substantially more difficult to raise the funds necessary to return the Lot to the public domain. Since the Lot has been used as a parking lot in the past, the desired relief will not be any more detrimental or objectionable than such past use of the Lot, and thus the granting of the requested relief will not adversely affect the neighborhood. The use of the Lot for commercial parking is not expected to cause any serious hazard to pedestrians or vehicles. The Board further notes the use of the Lot for parking will continue to serve parking demands at peak periods, such as the Red Sox games, when public transportation cannot accommodate the large influx of people into the surrounding area. Finally, since the requested use is temporary in nature, and since a serious intent to convert the Lot to park use within a specified time has been demonstrated, the requirements of Section 6-3A(d) relating to Restricted Parking Districts are met.

For the reasons outlined above, the Board hereby grants a variance to allow a commercial parking lot on the Lot and the Board finds that all of the following conditions are met:

- (a) There are special circumstances or conditions, fully described in the findings, applying to the Lot for which the variance is sought which circumstances or conditions are peculiar to the Lot but not the neighborhood, and that said circumstances or conditions are such that the application of the provisions of Section 8-7 of the Code



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would deprive the Appellant of the reasonable use of the Lot;

- (b) For reasons of practical difficulty and demonstrable and substantial hardship fully described in the findings, the granting of the variance is necessary for the reasonable use of the Lot and the variance is the minimum variance that will accomplish this purpose; and
- (c) The granting of the variance will be in harmony with the general purpose and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In determining its findings, the Board of Appeal has taken into account: 1) the number of persons residing or working upon such land; 2) the character and use of adjoining lots and those in the neighborhood; 3) traffic conditions in the neighborhood.

Further, the Board grants a conditional use permit to allow a commercial parking lot on the Lot and finds the following in accordance with Section 6-3 of the Code:

- (a) The Lot is an appropriate location for use as a commercial parking lot;
- (b) Use of the Lot as a commercial parking lot will not adversely affect the neighborhood;
- (c) There will be no serious hazard to vehicles or pedestrians from the use;
- (d) No nuisance will be created by the use; and



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(e) Adequate and appropriate facilities will be provided for the operation of the use.

In addition, the Board finds the following in accordance with Section 6-3A of the Code:

(a) The use of the Lot for commercial parking will continue to serve a traffic demand not adequately served by public transportation; and

(b) The facility will constitute a temporary parking lot use of land and a serious intent to reuse the Lot for open space within a specified time has been demonstrated to the Board.

2. Section 23-9 (Parking Design). The Board hereby grants a variance from the provisions of Section 23-9 of the Code regarding parking design. Section 23-9(d) requires that each car space shall be no less than 8 $\frac{1}{2}$ feet in width and 20 feet in length. The parking spaces to be provided on the Lot will be less than 8 $\frac{1}{2}$ feet in width. The Board finds that the configuration of the Lot makes it impractical to provide 300 full-sized parking spaces. If fewer parking spaces were provided, it would be more difficult to raise the funds necessary to restore the Lot to park land. The Lot has been used in the past for parking for a similar number of cars, and thus the providing of spaces for compact cars will not be injurious or detrimental to the neighborhood. In fact, the parking for 300 cars will serve needs of the neighborhood not currently addressed.

Accordingly, the Board hereby grants a variance allowing parking spaces less than 8 $\frac{1}{2}$ feet in width on the Lot and the Board finds:

(a) There are special circumstances or conditions, fully described in the findings, applying to the Lot for which



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the variance is sought, which circumstances or conditions are peculiar to the Lot but not the neighborhood and that said circumstances or conditions are such that the application of the provisions of Section 23-9(d) of the Code would deprive the Appellant of the reasonable use of the Lot.

- (b) For such reasons of practical difficulty and demonstrable and substantial hardship, the granting of a variance from the provisions of Section 23-9 is necessary in order reasonably to use the Lot for the purpose of raising funds for restoration of the Lot, and the requested variance is the minimum variance that will accomplish this purpose.
- (c) The granting of the variance will be in harmony with the general purpose and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In determining its findings, the Board of Appeal has taken into account: 1) the number of persons residing or working upon the Lot; 2) the character and use of adjoining lots and those in the neighborhood; 3) traffic conditions in the neighborhood.

The Board is of the opinion that all of the conditions required for the granting of variances under Article 7, Sections 7-3 and 7-4 of the Code, and a conditional use permit under Article 6, Sections 6-3 and 6-3A of the Code have been met and that the public benefits which will result from the granting of the relief outweigh the burdens imposed and the granting of the relief will not conflict with the intent and spirit of the Boston Zoning Code. Furthermore, the Board finds that this decision is consistent with the recommendations of the BRA. Therefore, acting under its discretionary power, the Board votes to grant the



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requested relief as described above, annuls the refusal of the Building Commissioner and orders him to grant a permit, in accordance with this decision, with the following proviso which, if not complied with, shall render the decision null and void.

PROVISO: 1) Use shall terminate after five years from the date of occupancy for the commencement of parking lot operations.

2) Subject to BRA design review.

Approved as to Form:

Marsha Wentura
Assistant Corporation Counsel

OCT 22 1991

SIGNED

Richard J. Dennis
RICHARD J. DENNIS CHAIRMAN

James Farmer
JAMES FARMER SECRETARY

Paul Parks
PAUL PARKS

Chia-Ming Sze
CHIA-MING SZE

Angelo B. Gross
*ANGELO B. GROSS - AB Sent

CITY OF BOSTON

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OFFICE OF THE BOARD OF APPEAL

October 22, 1991

DATE

Decision of the Board of Appeal on the Appeal of

Sears, Roebuck & Company (by Olmstead Plaza Associates)

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8, at premises:

87 Jersey Street, Ward 5

in the following respect: Variance & Conditional Use

Article(s): 6(6-3A) 8(8-7-58) 23(23-9)

Allow premises to be used as a parking lot for motor vehicles.

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner as set forth in papers on file numbered BZC-15305 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, October 8, 1991

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Redevelopment Authority was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BRA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, October 22, 1991 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit # 0680 dated 8/28/91 and plans submitted to the Board at its hearing and now on file in the Building Department.



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Olmsted Plaza Associates ("Appellant"), on behalf of Sears, Roebuck & Co., from the refusal of the Building Commissioner to permit temporary surface parking of approximately 125 vehicles proposed for the property at 87 Jersey Street (the "Lot"), Ward 5, as the same would be in violation of the Boston Zoning Code (the "Code") under Chapter 665, Acts of 1956, as amended to wit:

- 6-3A Additional relief within a restricted parking district
- 8-7 Use Item 58 (FORBIDDEN)
- 23-9 Parking design

In its formal appeal, Appellant stated in writing the grounds and reasons for its appeal from the refusal of the Building Commissioner. That document is made part of the record of this proceeding and is incorporated in this decision.

Appellant appeals for relief from the above-mentioned sections of the Code pursuant to its application for permission to use the premises dated August 27, 1991 and the plan submitted in connection therewith.

The proposed project (the "Project") consists of the operation of a commercial parking lot serving up to approximately 125 vehicles and the construction of related improvements, including, but not limited to, an attendant shelter/gatehouse, on the lot known as 87 Jersey Street (the "Lot") and bounded by Peterborough Street, Jersey Street, a passageway and the property owned by the City of Boston and currently occupied by the Martin Milmore School.



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The Lot is located in an H-2 zoning district and in a Restricted Parking District under Section 3-1A(c) of the Code. The Board hereby grants the following relief, the effect of which is to revise and extend zoning relief previously granted by the Board on December 19, 1989, so that the premises may be utilized as proposed.

1. Section 8-7 (Use Item 58) and Section 6-3A. Pursuant to Section 8-7 (Use Item 58) of the Code, a parking lot is a forbidden use in an H district unless the parking lot is operated exclusively for the parking of motor vehicles of persons living in the neighborhood or by an establishment in a bordering B or M district without charge to its employees or customers. Because the Lot, which contains approximately 38,290 square feet, is located in an H-2 (apartment) zoning district and in a Restricted Parking District under Section 3-1A(c) of the Boston Zoning Code (the "Code"), and because it is anticipated that the proposed parking lot will be used by the general public, the Board hereby grants a variance pursuant to Section 8-7 (Use Item 58) and a Conditional Use Permit pursuant to Section 6-3A of the Boston Zoning Code (the "Code") allowing the Lot to be used as a parking lot for approximately 125 vehicles to serve the general public.

Parking on the Lot was instituted by Sears, Roebuck and Co. ("Sears") pursuant to a variance granted by the Board of Appeal on August 2, 1983 (the "1983 Variance"). The 1983 Variance allowed the use of the Lot for the parking of 110 motor vehicles for a fee during events at Fenway Park and parking for customers and employees. The 1983 Variance also allowed the front yard to be less than the Code requires. The Lot is currently paved for parking and amply accommodates approximately 110 cars. It is currently contemplated that the Lot will be conveyed by Sears, its present owner, to Appellant or an affiliate of Appellant. It is

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intended that the recipient of the Lot will operate a commercial parking facility on the Lot. Although commercial parking was not permitted under the 1983 Variance, commercial parking for 110 cars was approved by the Board in 1989. This request for relief reflects that the conditions applicable under the prior zoning relief no longer continue to apply to the Lot.

The use of the Lot as a parking lot will serve parking demands in the area by providing parking for neighborhood establishments, community residents and Fenway Park patrons. The Lot will also continue to serve parking demands at peak periods, such as the Red Sox games, when public transportation cannot accommodate the large influx of people into the surrounding area. Because the Lot has been used as a parking lot in the past, the desired relief will not be any more detrimental or objectionable than such past use of the Lot. Thus the Board finds that the granting of the requested relief will not adversely affect the neighborhood. Operation of a commercial parking lot where the Lot is already paved as such will present no serious hazard to vehicles or pedestrians. The use of the Lot for commercial parking is not expected to cause any serious hazard to pedestrians or vehicles or create any nuisances. Furthermore adequate and appropriate facilities for operation of such a lot are already in place on the Lot. The attendant shelter/gatehouse will enhance the adequate and appropriate facilities for proper operation of the Lot. For the reasons set forth above, the site is an appropriate location for a surface parking lot. In addition, the Lot will help alleviate traffic congestion in the neighborhood by providing visitors, current residents and others with convenient available parking facilities. As the operation of a commercial lot at this location will serve traffic demand in the area, which demand is not adequately provided for by public transportation,

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the Board finds that the requirement of Section 6-3A relating to Restricted Parking Districts is met.

The corner location and configuration of the Lot and its current improvements and access render it uniquely suited for use as a surface parking lot. Hence, the Board finds that unique conditions exist which are peculiar to the parcel; furthermore, a literal enforcement of the provisions of the Code would cause substantial hardship. Finally, because the desired relief will benefit the public by providing much-needed parking to serve the neighborhood and the community, the Board finds that the granting of the relief is in harmony with the purpose and intent of the Code.

For the reasons outlined above, the Board grants a variance allowing the Lot to be used as a parking lot for approximately 125 cars to serve the general public and finds that all of the following conditions are met:

- (a) There are special circumstances applying to the Lot for which the variance is sought which circumstances are peculiar to the Lot but not the neighborhood, and that said circumstances are such that the application of the provisions of Section 8-7 of the Code would deprive the Appellant of the reasonable use of the Lot;
- (b) For reasons of practical difficulty and demonstrable and substantial hardship fully described in the findings, the granting of the variance is necessary for the reasonable use of the Lot and that the variance is the

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minimum variance that will accomplish this purpose;

- (c) The granting of the variance will be in harmony with the general purpose and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In determining its findings, the Board of Appeal has taken into account (1) the number of persons residing or working upon the Lot; (2) the character and use of adjoining lots and those in the neighborhood; and (3) traffic conditions in the neighborhood.

Further, the Board grants a conditional use permit to allow a commercial parking lot on the Lot and finds the following in accordance with Section 6-3 of the Code:

- (a) The Lot is an appropriate location for use as a commercial parking lot;
- (b) Use of the Lot as a commercial parking lot will not adversely affect the neighborhood;
- (c) There will be no serious hazard to vehicles or pedestrians from the use;
- (d) No nuisance will be created by the use; and
- (e) Adequate and appropriate facilities will be provided for the operation of the use.

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In addition, the Board finds, in accordance with Section 6-3A of the Code, that the use of the Lot for commercial parking will continue to serve a traffic demand not adequately served by public transportation.

2. Section 23-9 (Parking Design). The Board hereby grants a variance from the provisions of Section 23-9 of the Code regarding parking design. Section 23-9(d) requires that each car space shall be no less than 8 $\frac{1}{2}$ feet in width and 20 feet in length. For the reasons set forth above, the requirements of Section 23-9 would deprive the Appellant of the reasonable use of the Lot. Some of the parking spaces to be provided on the Lot will be less than 8 $\frac{1}{2}$ feet in width and less than 20 feet in length. The Board finds that the configuration of the Lot makes it impractical to provide approximately 125 full-sized parking spaces. The Board finds that since the Lot has been used in the past for parking for a similar number of cars, providing of spaces for some compact cars will not be injurious or detrimental to the neighborhood. Rather, the requested relief will increase the capacity of the parking lot, permitting a more effective use of the Lot. For the above reasons, the Board finds that the grant of the variance from the parking design requirements will be in harmony with the general purpose and intent of the Code.

Accordingly, the Appellant requests a variance allowing parking spaces less than 8 $\frac{1}{2}$ feet in width and less than 20 feet in length on the Lot and the Board finds:

- (a) There are special circumstances relating to the configuration of the Lot which, if the owner of the Lot were required to comply with the provisions of

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Section 23-9(d) of the Code, would deprive the owner of reasonable use of portions of the Lot.

- (b) For such reasons of practical difficulty and demonstrable and substantial hardship, the granting of a variance from the provisions of Section 23-9 is necessary in order for the reasonable use of the Lot and the requested variance is the minimum variance that will accomplish this purpose.
- (c) The granting of the variance will be in harmony with the general purpose and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The Board is of the opinion that all of the conditions required for the granting of variances under Article 7, Section 7-3 and 7-4 of the Code, and a conditional use permit under Article 6, Section 6-3 and 6-3A of the Code, have been met and that the public benefits which result from the granting of the relief outweigh the burdens imposed and the granting of the relief will not conflict with the intent and spirit of the Boston Zoning Code. Furthermore, the Board finds that this decision is consistent with the recommendations of the BRA. Therefore, acting under its discretionary power, the Board votes to grant the requested relief as described above, annuls the refusal of the Building

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Commissioner and orders him to grant a permit in accordance with this decision, with the following proviso which, if not complied with, shall render this decision null and void.

APPROVED AS TO FORM:

PROVISO: Subject to BRA design review.

Marcia Wentz
 Assistant Corporation Counsel

OCT 22 1991

SIGNED

Richard J. Dennis
 RICHARD J. DENNIS CHAIRMAN

James Farmer
 JAMES FARMER SECRETARY

Paul Parks
 PAUL PARKS

Chia-Ming Sze
 CHIA-MING SZE

Alfred Gross
 * ALFRED GROSS - Absent

CITY OF BOSTON

BOARD OF APPEAL

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October 22, 1991

DATE

Decision of the Board of Appeal on the Appeal of

Sears, Roebuck & Company (by Olmstead Plaza Associates)

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8, at premises:

401 Park Drive, Ward 21

in the following respect: Variance & Conditional Use

Article(s): 6(6-3A) 8(8-7-58) 23(23-9)

Allow premises to be used as a parking lot for motor vehicles,

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner as set forth in papers on file numbered BZC-15306 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, October 8, 1991

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Redevelopment Authority was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BRA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, October 22, 1991 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit #0681 dated 8/28/91 and plans submitted to the Board at its hearing and now on file in the Building Department.



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Decision of the Board of Appeal on the Appeal of

Olmsted Plaza Associates (the "Appellant") on behalf of Sears, Roebuck and Co. from the refusal of the Building Commissioner to permit temporary parking of vehicles on the property located at 401 Park Drive, Ward 21 as the same would be in violation of the Boston Zoning Code (the "Code") under Chapter 665, Acts of 1956, as amended to wit:

- 6-3A Additional Relief Required Within a Restricted Parking District
- 8-7 Use Item 58 (CONDITIONAL)
- 23-9 Parking Design

In its formal appeal, Appellant stated in writing the grounds and reasons for its appeal from the refusal of the Building Commissioner. That document is made part of the record of this proceeding and is incorporated in this decision.

Appellant appeals for relief from the above-mentioned Sections of the Code pursuant to its application for permission to use the premises dated August 27, 1991 and the plans submitted in connection therewith.

The proposed use is part of a proposed project (the "Project") planned for the 8.9-acre Sears Distribution Center in the Fenway district of Boston (the "Site"). The Project is described in a Development Plan and Development Impact Project Plan (the "PDA/DIP Plan") for Planned Development Area No. 36 (the "PDA"), approved by the Boston Redevelopment Authority ("BRA") on November 30, 1989, pursuant to Sections 3-1A, 26A-3 and 26B-3 of the Code, the Boston Zoning Commission on December 13, 1989 and the Mayor on December 14, 1989 (an amendment to which was approved by the BRA on August 21, 1991, the Boston Zoning Commission on October 7, 1991 and by the Mayor on October 19, 1991). The

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temporary parking use will be instituted pending construction of a parking garage on the Site.

The Site (which constitutes the land included in the PDA) was rezoned from B-2 and M-2 to B-2-D and M-2-D zoning districts by the Zoning Commission of the City of Boston on December 13, 1989, which rezoning was thereafter approved by the Mayor. The Board hereby grants the following exceptions, the effect of which is to revise and extend zoning relief previously granted by the Board on December 19, 1989, so that the Premises may be used as proposed.

A. Use Exceptions

1. Section 8-7 (Use Item 58) and Section 6-3A (Restricted Parking District). Pursuant to Section 8-7 (Use Item 58) and Code Section 6-3A, a parking lot is a conditional use in both B-2 and M-2 zoning districts where the Site is also located in a Restricted Parking District. The Board hereby grants an exception from the requirements of Sections 8-7 and 6-3A to permit the uses listed under Use Item 58 on any or all portions of the Site in connection with the Project so that a parking lot may be operated on the Site. Prior to the construction of the building proposed for the Site, and after demolition of warehouses located on the Site, the Appellant plans to use the Site temporarily as a surface parking facility accommodating approximately 107 vehicles. Such parking would be available during the period when construction of a garage on an adjacent lot is occurring and would serve the occupants of the building on the adjacent lot, as well as the patrons of Fenway Park. Such local parking demands are not provided for by current parking and public transportation in the area. Access to and egress from the lot will be designed to encourage the smooth flow of traffic. No serious hazard to vehicles or pedestrians or any nuisance will be created, and adequate and appropriate facilities will be provided to insure the proper operation of the lot. The Board finds that the Appellant

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has complied with the Development Impact Project Requirements set forth in Sections 26A-3 and 26B-3 of the Code. The Board finds that the parking use will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

B. Other Exceptions

1. Section 6-3A (Restricted Parking District). See discussion of Section 8-7 (Use Item 58).

2. Section 23-9 (Parking Design). Section 23-9 requires that each parking space serving the Project be $8\frac{1}{2}$ feet x 20 feet in size. Certain of the parking spaces on the Site will be less than $8\frac{1}{2}$ feet wide, and accordingly, the Board hereby grants an exception from the provisions of Section 23-9 allowing parking spaces on the Site to be less than $8\frac{1}{2}$ feet wide. The smaller parking spaces will be intended to serve compact cars. Full-size spaces will be provided to meet the parking needs of larger vehicles. The Board notes that the provision of smaller parking spaces is consistent with the practice of most parking facilities. Such spaces will adequately and safely accommodate smaller cars. The use of smaller spaces will also permit a more effective use of the Site. The Board finds that for the above reasons, the proposed parking design will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

The Board is of the opinion that the conditions required for the granting of the requested exceptions have been met and that all of the exceptions granted are in harmony with the general purpose intent of the Boston Zoning Code and in conformity with the PDA/DIP Plan, as certified by the BRA in its memorandum to the Chairman, Board of Appeal, City of Boston submitted prior to the Board's hearing, a copy of which is attached hereto and



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incorporated herein by reference. The Board finds that the Appellant has complied with the Development Impact Project Requirements set forth in Sections 26A-3 and 26B-3 of the Code. However, the Board further finds that each exception granted has been independently justified without regard to the "linkage" and "jobs linkage" payments to be made by Appellant with respect to the Project. Accordingly, the Board hereby grants the requested exceptions. Such exceptions are granted by the Board so as to allow such deviations from the requirements of the Code sections cited above as may be needed to institute the use proposed at 401 Park Drive, as revealed by the plans filed with the Inspectional Services Department, as such plans may be modified in finalizing the plans for the Building and the Project, provided that the final working drawings be submitted to the BRA for design review to insure the same are consistent with drawings previously approved by the BRA and with the PDA/DIP Plan as certified to by the BRA.

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Therefore, acting under its discretionary power, the Board votes to grant the requested exceptions as described above, annuls the refusal of the Inspectional Services Commissioner, and orders him to grant a permit in accordance with this decision, with the following proviso which, if not complied with, shall render this decision null and void.

PROVISO: Subject to BRA design review.

APPROVED AS TO FORM:

M. J. Keenan
Assistant Corporation Counsel

OCT 22 1991

SIGNED

Richard J. Dennis
RICHARD J. DENNIS CHAIRMAN

James Farmer
JAMES FARMER SECRETARY

Paul Parks
PAUL PARKS

Chia-Ming Sze
CHIA-MING SZE

* *Angelo Antonopane* - Sub
* ALFRED GROSS - Absent

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October 22, 1991

DATE

Decision of the Board of Appeal on the Appeal of

Sears, Roebuck & Company (by Olmstead Plaza Associates)

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8, at premises:

201 Brookline Avenue, Ward 21

in the following respect: Conditional Use & Variance

Article(s): 8(8-7-16A) 8(8-7-18) 8(8-7-20A) 8(8-7-22) 8(8-7-24) 8(8-7-27A) 8(8-7-29) 8(8-7-30) 8(8-7-34) 8(8-7-35) 8(8-7-36A) 8(8-7-50) 8(8-7-54) 8(8-7-56) 8(8-7-61) 8(8-7-68) 8(8-7-70) 8(8-7-71) 8(8-7-77) 8(8-7-83) 8(8-7-84) 8(8-7-85) 15(15-1) 20(20-1) 21(21-1) 24(24-1) 24(24-2) 25(25-5)

Erect loading-dock facility. Also change legal occupancy from Mail Order Store to Office, Retail, Research & Development, etc., in accordance with the file on record in this office (portion of existing structure to be demolished).

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner as set forth in papers on file numbered BZC-15311 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on October 8, 1991

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Redevelopment Authority was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BRA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, October 22, 1991 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit #0686 dated 8/28/91 and plans submitted to the Board at its hearing and now on file in the Building Department.



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Olmsted Plaza Associates (the "Appellant") on behalf of Sears, Roebuck and Co. from the refusal of the Building Commissioner to permit demolition of warehouses and the rehabilitation of a building (the "Building") located at 201 Brookline Avenue, Ward 21, as the same would be in violation of the Boston Zoning Code (the "Code") under Chapter 665, Acts of 1956, as amended to wit:

Use exceptions sought:

8-7, Use Item 18	8-7, Use Item 20A
8-7, Use Item 22	8-7, Use Item 24
8-7, Use Item 27A	8-7, Use Item 29
8-7, Use Item 30	8-7, Use Item 34
8-7, Use Item 35	8-7, Use Item 36A
8-7, Use Item 50	8-7, Use Item 54
8-7, Use Item 56	8-7, Use Item 61
8-7, Use Item 68	8-7, Use Item 70
8-7, Use Item 71	8-7, Use Item 77
8-7, Use Item 84	8-7, Use Item 83
8-7, Use Item 16A	8-7, Use Item 85

Other exceptions sought:

15-1 Floor Area Ratio
 20-1 Rear Yard Requirements
 21-1 Setback of Parapets
 24-1 Off-Street Loading Bay Requirements
 24-2 Loading Bay Design
 25-5 Flood Hazard District

In its formal appeal, Appellant stated in writing the grounds and reasons for its appeal from the refusal of the Building

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Commissioner. That document is made a part of the record of this proceeding and is incorporated in this decision.

Appellant appeals for exceptions from the above-mentioned sections of the Code pursuant to its application for a building permit dated August 27, 1991 and the plans submitted in connection therewith (the "Plans").

The Building is part of a proposed project (the "Project") consisting of a mixed use development of approximately 1,446,000 square feet of gross floor area ("GSF") devoted primarily to office, research and development, clinical and retail uses, and a parking garage containing 1,155 spaces. The Project site is the 8.9 acre site of the former Sears Distribution Center in the Fenway District of Boston (the "Site"). The Project is described in a Development Plan and Development Impact Project Plan (the "PDA/DIP Plan") for Planned Development Area No. 36 (the "PDA"), approved by the Boston Redevelopment Authority ("BRA") on November 30, 1989, pursuant to Sections 3-1A, 26A-3 and 26B-3 of the Code, the Boston Zoning Commission on December 13, 1989 and the Mayor on December 14, 1989 (an amendment to which was approved by the BRA on August 21, 1991, the Boston Zoning Commission on October 7, 1991 and by the Mayor on October 19, 1991). The existing Sears building located on the Site is to be restored, and two new buildings, in addition to the parking garage, are to be constructed on the Site. One of the new buildings will be a nine-story building of approximately 223,000 GSF along the Site's Park Drive frontage. The other new building planned for the Site and consists of thirteen stories and 316,000 GSF, located on the Site's Brookline Avenue frontage. The Building will be principally devoted to office, clinical, research and development and related uses.



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The Project will be developed in phases. Subphase 1A of the Project consists of approximately 300,000 square feet of space in the 201 Brookline Avenue building and is shown as Subphase 1A on the plan entitled "Olmsted Plaza - Subphase 1A - Olmsted Plaza Associates" dated August 1991, by Notter, Finegold & Alexander and on file with the City of Boston Inspectional Services Department. Appellant seeks zoning relief, the effect of which is to revise and extend the zoning relief previously granted by the Boston Zoning Board of Appeal (the "Board") on December 19, 1989 (the "1989 Relief") in order to proceed with Subphase 1A and, ultimately, to complete rehabilitation of the Building in subsequent subphases.

The Site (which constitutes the land included in the PDA) was rezoned from B-2 and M-2 to B-2-D and M-2-D zoning districts by the Zoning Commission of the City of Boston on December 13, 1989, which rezoning was thereafter approved by the Mayor. The Board hereby grants the following exceptions so that the premises may be developed as proposed.

A. Use Exceptions

1. Section 8-7 (Use Items 16A, 18 and 29). Section 8-7 (Use Item 16A) provides that colleges or universities granting degrees by authority of the Commonwealth are conditional uses in B-2 and M-2 zoning districts. Section 8-7 (Use Item 18) provides that trade, professional or other schools are also conditional uses in B-2 and M-2 zoning districts. Finally, Section 8-7 (Use Item 29) provides that an adult education center building or community center is a conditional use in M-2 zoning districts. The Board hereby grants an exception from the requirements of Section 8-7 in order to permit the uses listed under Use Items 16A, 18 and 29 on any or all portions of the Site, provided that college or university uses under Use Item 16A are limited to research and development, office and storage, and uses accessory thereto, and



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further provided that such college or university uses under Use Item 16A are ancillary to a college or university located off-site and that uses for classroom teaching under Use Item 16A shall not be permitted unless such teaching is accessory to research and development uses. The Site is located in an area near several universities and teaching institutions and is served by public transportation. Research, teaching and other similar uses are therefore appropriate uses of the Site and adequate and appropriate facilities will be provided on the Site for such uses. The Board notes that such uses are consistent with the general research and office plans for the Site and will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA. Such uses are already well established in the area and will not adversely affect the neighborhood. The proposed uses will not cause hazard to vehicles or pedestrians, nor will such institutional uses create a nuisance.

2. Section 8-7 (Use Item 20A). Use of the Site for a library or museum not conducted for profit and accessory to a use listed under Use Items 16A, 18, 23 or 24 is a conditional use in B-2 and M-2 zoning districts under Section 8-7 (Use Item 20A). The Board hereby grants an exception from the requirements of Section 8-7 in order to permit the uses listed under the Item 20A on any or all portions of the Site provided that any such use is accessory to another use of the Site that is both an actual use of the Site permitted herein and listed under Use Items 16A, 18, 22, 23 or 24. The Board notes that such uses would be located in carefully designed facilities which would not result in hazard to vehicles or pedestrians nor would such uses create a nuisance. Such library or museum uses would serve to integrate the Site with the surrounding community. The Board finds that such uses will be in harmony with the general purpose and intent of the Code and in

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conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

3. Section 8-7 (Use Item 22). Use of the Site as a clinic, a hospital or for professional offices accessory to such uses is forbidden in M-2 districts under Section 8-7 (Use Item 22). The Board hereby grants an exception from the provisions of Section 8-7 in order to permit clinics (no overnight uses) or professional offices accessory to a hospital or sanitorium, whether or not on the same lot, under Use Item 22 on any or all portions of the Site. The Board finds that such uses are appropriate uses of the Site, as the Site is located in an area with access to related facilities. The Board notes that such uses would further serve the surrounding community and would complement the anticipated research and development uses of the Site, as well as the uses already established in the area. Such uses would not cause a hazard to vehicles or pedestrians, nor would such uses constitute a nuisance. Such uses will be provided on the Site in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

4. Section 8-7 (Use Item 24). Scientific research and teaching laboratories not conducted for profit and accessory to a use listed under Use Items 16, 16A, 18, 22 or 23 is a conditional use in B-2 and M-2 zoning districts under Section 8-7 (Use Item 24). The Board hereby grants an exception from the requirements of Section 8-7 in order to permit the uses listed under Use Item 24 on any or all portions of the Site. The Board finds that due to its proximity to the Longwood Medical Area and universities, the Site is an appropriate location for scientific research and teaching laboratories. The development planned for the Site will provide additional space for medical and other research which is ongoing in nearby areas. As such research is generally quiet and self-contained, such uses will not adversely affect or cause a

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nuisance to the neighborhood, but will provide a service needed to stimulate the commercial revitalization of the area. There will be no serious hazard to vehicles or pedestrians from the use, as it will be located entirely on the Site. The Board notes that the development planned for the Site will be carefully designed to provide adequate and appropriate facilities for the proper operation of research and teaching laboratories. The Board finds that provision of such facilities will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

5. Section 8-7 (Use Item 27A). The provision of an open space recreational building, or a structure necessary or appropriate to the enjoyment of open space, is a conditional use in B-2 and M-2 zoning districts under Section 8-7 (Use Item 27A). The Board hereby grants an exception from the provisions of Section 8-7 in order to permit the uses listed under Use Item 27A on any or all portions of the Site. The Board notes that the Site is close to several park areas and the development contemplated for the Site has been planned to be respectful of, and complementary to, such park areas. Accordingly, the development of the Site will include plazas, seating areas and play areas designed as amenities for pedestrians, children and occupants of the Site. The Board finds that such use of the open space portions of the Site will be a benefit to the neighborhood and will be carefully designed and maintained so as not to cause any hazard to vehicles or pedestrians and so as not to constitute a nuisance. Further, the Board finds that provision of such amenities will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

6. Section 8-7 (Use Item 30). Private clubs operated for members only are a conditional use in M-2 zoning districts under



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Section 8-7 (Use Item 30). The Board hereby grants an exception from the requirements of Section 8-7 in order to permit the uses listed under Use Item 30 on any or all portions of the Site. The Board notes that the accessible location of the Site makes it a convenient location for a membership organization. The many amenities to be included in the development on the Site will be available to service such clubs. Accordingly, the Site is an appropriate location for such use. The Board finds that the use of the Site for a private club will be designed so that no hazard to pedestrians or vehicles is caused and such that the facility is in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

7. Section 8-7 (Use Items 34 and 35). Use Item 35, department stores where merchandise is sold or displayed out of doors, is a conditional use in B-2 zoning districts under Section 8-7. Similarly, Use Item 34, stores primarily serving the local retail business needs of neighborhood residents where merchandise is sold or displayed out of doors, is a conditional use in B-2 districts under Section 8-7. The Board hereby grants an exception from the requirements of Section 8-7 in order to permit the uses listed under Use Items 34 and 35 on any or all portions of the Site. The Board notes that the development planned for the Site has been designed to enhance the commercial activity in the area by attracting pedestrians and shoppers who ordinarily would shop in other areas. Attractive outdoor display of a broad range of merchandise will attract pedestrians to the many retail amenities to be located on the Site. This use will benefit the neighborhood by servicing the employees of businesses in the area, and attracting pedestrians and shoppers. The Board further notes that the use will help make the Site an integral and valuable part of the neighborhood. The proposed outdoor display of merchandise will be designed so that no hazard to vehicles or pedestrians will



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be caused thereby. The Board finds that such outdoor display of merchandise will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

8. Section 8-7 (Use Items 36A and 50). Section 8-7 (Use Item 36A) requires a conditional use permit for over-the-counter sale of food or drink in B-2 zoning districts. Section 8-7 (Use Item 50) requires a conditional use permit for restaurants and cafeterias in B-2 zoning districts. The Board hereby grants an exception from the requirements of Section 8-7 in order to permit the uses listed under Use Items 36A and 50 on any or all portions of the Site, provided that such uses shall not be designed for drive-through customers. The Board finds that the Site is an appropriate location for such uses and such uses will serve local employees and shoppers. The planned food establishments will also serve the other office buildings located in the vicinity as well as other pedestrians in the area. Such uses will not adversely affect or cause a nuisance to the neighborhood, but will provide a much needed amenity which will help in the commercial revitalization of the area. The Board notes that there will be no serious hazard to vehicles or pedestrians from such uses, as they will be located entirely on the Site. The development planned for the Site will be carefully designed to provide adequate and appropriate facilities for the proper operation of over-the-counter food establishments and restaurants and cafeterias. Provision of such facilities will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

9. Section 8-7 (Use Items 54 and 56). Section 8-7 (Use Item 54) requires a conditional use permit for wholesale businesses, including accessory storage, in B-2 zoning districts. Section 8-7 (Use Item 56) prohibits warehouse and storage uses in B-2 zoning districts. The Board hereby grants an exception from

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the provisions of Section 8-7 in order to permit the uses listed under Use Items 54 and 56 on any or all portions of the Site. The development contemplated for the Site is planned to serve the various needs of the community, which needs may include nearby indoor storage or warehouse space or supplementary space from which to operate a wholesale business. The Board finds that such uses will not cause hazard to vehicles or pedestrians and will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

10. Section 8-7 (Use Item 61). Section 8-7 (Use Item 61) provides that a rental agency and the storing of rental vehicles is a conditional use in both the B-2 and the M-2 zoning districts. The Board hereby grants an exception from the requirements of Section 8-7 in order to permit the uses above on any or all portions of the Site. The Site is an appropriate location for a car rental agency. The business needs of many tenants and employees of the Project and other nearby buildings require such use to be conveniently located in the vicinity. The Board finds that a car rental agency would not cause hazard to vehicles or pedestrians in the area. Adequate and appropriate facilities will be provided for the proper operation thereof to ensure a use consistent in quality with the rest of the Project. The Board finds that a car rental agency will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

11. Section 8-7 (Use Item 68). Section 8-7 (Use Item 68) forbids establishments for the manufacture or repair of cameras, cosmetics, electronic components, optical equipment, orthopedic or medical appliances, pharmaceutical products, packaging chemicals in connection with research and development uses otherwise permitted on the Site. The Board hereby grants an exception from the provisions of Section 8-7 in order to permit the above uses

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listed under Use Item 68 on any or all portions of the Site; provided that manufacturing undertaken pursuant to this exception is accessory or ancillary to on-Site retail or research and development uses otherwise permitted on the Site. Such manufacturing accessory or ancillary to research and development uses shall also be limited to the manufacture of prototypical products or the limited manufacture of other products related to on-Site research and development uses otherwise permitted on the Site. The Board finds that such uses would be consistent with Appellant's plans to enhance the commercial activity in and around the Site. The Board notes that such uses may also provide an attractive amenity which will service the tenants and employees of businesses in the area, as well as other pedestrians and shoppers. Prohibition of such uses would impose a financial hardship upon the Appellant without providing a countervailing benefit. By allowing such uses, the Appellant will be able to make the most reasonable use of the Site. The Board finds that the proposed establishments will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

12. Section 8-7 (Use Item 70). Section 8-7 (Use Item 70) forbids uses required to allow for the manufacture of chemicals which are objectionable or offensive for various reasons set forth in the Code. The Board hereby grants an exception from the provisions of Section 8-7 in order to permit such uses on any or all portions of the Site (subject to the same limits regarding manufacturing as set forth in paragraph 11 above relating to Use Item 68). The Board finds that such uses would be consistent with Appellant's plans to provide space for biomedical and other research which is ongoing in the nearby Longwood Medical Areas and universities. The Board notes that such uses will benefit the neighborhood by revitalizing an abandoned site and by influencing and complementing surrounding uses. If the Appellant were forbidden from using the site for uses related to research

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activities, the development planned for the Site would be financially infeasible and unable to attract the occupants necessary to revitalize the area. The Board finds that the use of the Site for such uses will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

13. Section 8-7 (Use Item 71). Section 8-7 (Use Item 71) provides that uses of property which are ancillary to a lawful use on an adjacent lot or a lot across the street, if such use would be a lawful accessory use on the same lot, are conditional in B-2 and M-2 zoning districts. The Board hereby grants an exception from Section 8-7 in order to permit such ancillary uses on any or all portions of the Site. The Board finds that these ancillary uses will be in harmony with the general purpose and intent of the Code, and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

14. Section 8-7 (Use Item 77). Pursuant to Section 8-7 (Use Item 77), the keeping of laboratory animals incidental to an educational or institutional use is a conditional use in an M-2 zoning district, and is conditional in a B-2 zoning district unless accessory to Use Item 22. The Board hereby grants an exception from Section 8-7 in order to permit the uses listed under Use Item 77 on all or any portions of the Site. The development planned for the Site has been designed to provide office and research laboratory space for the Longwood Medical Area and university community. The keeping of laboratory animals is a necessity for many such facilities. The Site is an appropriate location for such use. This use will benefit the community by providing needed high-quality research space. The contemplated development will be carefully designed to provide adequate and appropriate facilities for the proper operation of such research laboratories. The use will not adversely affect nor cause a nuisance to the neighborhood, but will provide a much-needed



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service which will help in the commercial revitalization of the area. There will be no serious hazard to vehicles or pedestrians from the use. The Board finds that provision of such research facilities will be in harmony with the general purpose and intent of the Code, and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

15. Section 8-7 (Use Item 83). As an accessory use, permanent dwellings for personnel required to reside on a lot for the safe and proper operation of a lawful main use is a conditional use in the M-2 zoning district under Section 8-7 (Use Item 83). The Board hereby grants an exception from the provisions of Section 8-7 in order to permit the uses listed under Use Item 83 on all or any portions of the Site. As possible uses might require service on a 24 hour per day basis, a resident manager or similar employee might be provided at all times in the event of an emergency. The Board notes that the Appellant would like to offer such security to the Site's tenants. Such a use would not have an adverse effect on the neighborhood, nor would such use cause a hazard to pedestrians or vehicles, or constitute a nuisance. The Board finds that such use would serve to make the Site safe and secure and, accordingly, such use would be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

16. Section 8-7 (Use Item 84). As an accessory use, any nonresidential use lawful in an I zoning district is forbidden in a B-2 zoning district and conditional in an M-2 zoning district under Section 8-7 (Use Item 84). The Board hereby grants an exception from the provisions of Section 8-7 in order to permit such accessory uses on the Site provided that such use is also lawful in an M district. The Board finds that certain activities expected to be conducted on the Site, including activities related to biomedical research uses and equipment testing, are examples of

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uses which might be lawful in an I district, and accessory to lawful uses in a B-2 or M-2 district. As the Appellant hopes to attract biomedical and scientific research businesses to the Site, it will be important to be able to offer such businesses space in which to perform the full range of their business activities. Such uses would be carried on so as not to be either a hazard to the health or safety of persons on the Site or any adjacent lot and would not constitute a nuisance. The Board finds that the accessory uses would not cause a hazard to pedestrians or vehicles and would be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

17. Section 8-7 (Use Item 85). Section 8-7 (Use Item 85) forbids, as accessory uses in B-2 or M-2 zoning districts, uses which are forbidden by the Code as main uses in those districts. The Board hereby grants exceptions to Section 8-7 to allow as accessory uses on any or all portions of the Site all otherwise forbidden uses for which exceptions are requested above and all other uses ancillary to and ordinarily incident to a lawful main use permitted on the Site. The Board finds that for the reasons provided in connection with the description of each such main use above, these uses as accessory uses will be in harmony with the purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

B. Other Exceptions

1. Section 15-1 (Floor Area Ratio). Section 15-1 mandates a maximum floor area ratio of 2.0 for the Site in both B-2 and M-2 zoning districts. The Board hereby grants an exception from Section 15-1 to allow a floor area ratio of up to 5.75 for the Site. In conformance with a literal reading of the Code, the above floor area ratio for the completed Project was calculated after excluding from the "total area of the lot" all portions of

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the Site that will be used for roads, sidewalks or other paved surfaces. If one includes these paved surfaces within the total area of the lot, the floor area ratio for the Site would be substantially reduced. As a result of the re-phasing, during the period prior to completion of the parking garage, the Site will have a floor area ratio of 3.50. The Board notes that for both Subphase 1A and the entire Project, landscaping, atria, and spacious lobbies have been included in the development planned for the Site to permit access of light and air and to provide a sense of open space. For both Subphase 1A and the entire Project, a reduction in the floor area ratio would impose a financial hardship upon the Appellant without providing a countervailing benefit. Without the requested exception, construction of the contemplated development is not financially feasible. The Board notes that the development planned for the Site will add new office, research, parking and commercial facilities to the neighborhood, will be in physical harmony with the surrounding buildings and will add significantly to the economic and commercial vitality of the area. The proposed floor area ratio of up to 5.75, and during the period prior to completion of the parking garage, up to 3.50, is therefore in harmony with the purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

2. Section 20-1 (Rear Yard). Section 20-1 requires a rear yard of 12 feet in an M-2 zoning district and a rear yard of $10 + L/20$ feet in a B-2 district, in this case a distance equalling 32.8 feet. The phasing of the development planned for the Site calls for a temporary rear yard of zero in the B-2 district due to the temporary location of the loading bay area and stairway access to surface parking. The subsequent completion of development planned for the Site calls for a minimum rear yard depth of 2 feet in the M-2 district and 18 feet in the B-2 district. The Board hereby grants an exception from the provisions of Section 20-1 in order to permit these rear yard

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depths. The Board notes that both Subphase 1A and the entire Project, in conjunction with the PDA, have been designed to provide significant open and public space as well as landscaping and public amenities. Because of limited space on the Site, further limitations as a result of the specific loading and parking configuration required in Subphase 1A and in order to achieve integrated development on the Site, requiring the Appellant to provide a 12 foot minimum rear yard in the M-2 district and a 32.8 foot rear yard in the B-2 district would impose a substantial hardship on the Appellant without any countervailing benefit. Without the requested exception, the re-phasing and the subsequent construction of the development planned for the Site is not financially feasible. The Board finds that for the above reasons, the proposed minimum rear yard depths will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

3. Section 21-1 (Setback of Parapets). Section 21-1 requires that front, side, and rear parapet setbacks be provided for the Site. Because changes to the design of the development planned for the Site may be necessary to accommodate the Boston Redevelopment Authority during its design review of the development, the Board hereby grants an exception from Section 21-1 so that no parapet setbacks will be required in connection with the Site. It is anticipated, however, that some parapet setbacks will be provided. If the Appellant were required to provide the parapet setbacks described by Section 21-1, the development proposed for the Site would not be financially feasible or aesthetically attractive and it might not be possible to accommodate the Boston Redevelopment Authority during its design review. The Board finds that for the above reasons, the proposed parapet setbacks will be in harmony with the general

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purpose and intent of the Code, and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

4. Section 24-1 (Loading). Section 24-1 could require, depending on the uses located on the Site, as many as 10 loading bays in connection with the contemplated development. The 1989 Relief includes an exception from the provisions of Section 24-1 such that 6 loading bays will be required in connection with the Site. In addition, due to re-phasing of the development, Appellant requests that the Board approve an exception for four (4) loading bays, to be provided on an interim basis pending the completion of the parking garage previously approved for One Fullerton Street. Upon completion of the garage, 6 loading bays are planned to be located in the garage to serve the Project. Prior to that time, it is anticipated that approximately 300,000 square feet of rentable space will be completed, and that 4 bays will adequately serve that space and its tenants. Requiring the Appellant to provide 10 loading bays on the Site would impose a substantial hardship upon the Appellant without affording a countervailing benefit as the needs of the proposed development have been analyzed and will be adequately provided for. Accordingly, the Board hereby grants an exception for four loading bays until completion of the parking garage at One Fullerton Street and an exception for six loading bays to serve the completed Project. The Board finds that with 4 on-site loading bays prior to completion of the garage and 6 on-site loading bays thereafter, the Appellant will be able to make the most reasonable use of the Site while keeping the proposed development in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

5. Section 24-2 (Loading Bay Design). In order for the 4 loading bays serving the Project to meet the design requirements of the Code, it is necessary for the bays to extend onto the

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neighboring lot identified as the 175 Brookline Avenue portion of the Project. A portion of the 175 Brookline Avenue lot will be used as surface parking prior to the completion of the garage; the remaining portion of the 175 Brookline Avenue lot will provide ample ingress and egress to the loading area. The Board hereby grants an exception under Section 24-2 for the period prior to completion of the garage. The Board finds that an exception under Section 24-2 will not be required for permanent loading serving the completed project, but rather is necessary prior to the completion of the garage. The loading areas, as modified, will make the most reasonable use of the Site in connection with the re-phasing while keeping the proposed development in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

6. Section 25-5 (Flood Hazard District). Section 25-5 requires permission from the Board of Appeal to allow structural change or reconstruction of an existing, lawful building in a flood hazard district. The storage of certain materials in buildings in such districts is also prohibited or restricted. The Board hereby grants an exception from the requirements of Article 25 in order to permit reconstruction of and modifications to the existing building which is partially within the flood hazard district and to allow storage of the materials referred to in Section 25-5(4). The Board finds that the building as modified will be in harmony with the general purpose and intent of the Code and in conformity with the PDA/DIP Plan and that such conformity has been certified to by the BRA.

The Board is of the opinion that the conditions required for the granting of the requested exceptions have been met and that all of the exceptions granted are in harmony with the general purpose and intent of the Boston Zoning Code and in conformity with the PDA/DIP Plan, as certified by the BRA in its memorandum

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to the Chairman, Board of Appeal, City of Boston submitted prior to the Board's hearing. The Board finds that the Appellant has complied with the Development Impact Project Requirements set forth in Sections 26A-3 and 26B-3 of the Code. However, the Board further finds that each exception granted has been independently justified without regard to the "linkage" and "jobs linkage" payments to be made by Appellant with respect to the Project. Accordingly, the Board hereby grants the requested exceptions. Such exceptions are granted by the Board so as to allow such deviations from the requirements of the Code sections cited above as may be needed to perform the proposed work at 201 Brookline Avenue as revealed by the plans and zoning computations sheets submitted to the Inspectional Services Department, as such plans may be modified in finalizing the plans for the Building and the Project, provided that the final working drawings be submitted to the BRA for design review to insure the same are consistent with drawings previously approved by the BRA and with the PDA/DIP Plan as certified to by the BRA.

Therefore, acting under its discretionary power, the Board votes to grant the requested exceptions as described above, annuls the refusal of the Inspectional Services Commissioner, and orders him to grant a permit in accordance with this decision, with the

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following proviso which, if not complied with, shall render this decision null and void.

PROVISO: Subject to BRA design review.

APPROVED AS TO FORM:

Assistant Corporation Counsel

OCT 22 1991

SIGNED

RICHARD J. DENNIS CHAIRMAN

JAMES FARMER SECRETARY

PAUL PARKS

CHIA-MING SZE

* ALFRED GROSS - Absent

ENVIRONMENTAL NOTIFICATION FORM

1. SUMMARY

A. Project Identification

1. Project Name _____

Address Location _____

APPENDIX Y-1

City/Town/County _____

2. Project Description (Detailed Project Description)

Approximate _____

Environmental Notification Form

3. Estimated Construction Period (Start/End Dates) _____

Approximate Cost \$ _____

4. Summary of anticipated impacts (negative and/or beneficial) on the environment, including but not limited to: air quality, noise, traffic, and other factors.

5. This project is categorically excluded and therefore requires preparation of an EIR. Yes ☐ No ☐

B. Narrative Project Description

Overall project description: The proposed project is the redevelopment of the existing and currently vacant Grand Catalogue and Surplus Sales Facility in the Federal district of Seattle. The existing structure contains 1.3 million square feet located on 9.6 acres of land.

The project will call for the demolition of approximately 1,000,000 square feet of the existing warehouse buildings located on the east side of the street at the rear of the main building. In place of the demolished buildings, two 100,000-150,000 square foot buildings will be built. One will serve either as a 100-room hotel, or as commercial offices or R&D space. The other will be an office and/or R&D building designed during a second phase. This structure will contain a new and improved transit station.

Proposed use of the main building will be to contain new underground parking in the area. The site is strategically located in immediate proximity of the largest Medical Area research and office use that may currently be anticipated in the area's neighborhood. The new building and existing main building will also provide convenient shopping and service opportunities for the surrounding neighborhoods. Accordingly, the ground floor would be designed to contain retail uses, floors two through ten, including a two-story building, could be converted to office or R&D use. In total, elevated floors would contain approximately 1.3 million square feet of gross floor area consisting of retail, office and R&D space.

A total of 115 surface parking spaces will be eliminated, including all surface surface parking, as well as surface parking on two or three adjacent properties. These would be converted into a 100-200 space parking garage located at the rear of the site. The major points of access are existing main drive on Park Drive, Madison Avenue and Jackson Street.

Copy of the project EIR may be obtained from the project sponsor.

Name _____

Project Name _____

Address _____

Phone _____

City/Town/County _____

ENVIRONMENTAL NOTIFICATION JRM

I. SUMMARY

A. Project Identification

1. Project Name Olmsted Plaza
Address Location 201 Brookline Ave./309 Park Drive
City/Town Boston, MA
2. Project Proponent Olmsted Plaza Associates
Address Four Copley Place, Suite 600, Boston, MA
3. Est. Commencement Summer 1990 . Est. Completion I 1992, II 1995 .
Approx. Cost \$ 250 million . Status of Project Design 5 % Complete.
4. Amount (if any) of bordering vegetated wetlands, salt marsh, or tidelands to be dredged, filled, removed, or altered (other than by receipt of runoff) as a result of the project.
0 acres 0 square feet.
5. This project is categorically included and therefore requires preparation of an EIR.
Yes X No ?

B. Narrative Project Description

Describe project and site. The proposed project is the redevelopment of the existing and presently vacant Sears Catalogue and Surplus Sales Facility in the Fenway district of Boston. The existing structure contains 1.3 million square feet located on 8.8 acres of land.

The project will call for the demolition of approximately 300,000 square feet of the unsightly warehouse buildings located off Fullerton Street at the back of the main building. In place of the demolished buildings, two 250,000-300,000 square foot buildings will be built. One will serve either as a 300-room hotel, or as commercial offices or R&D space. The other will be an office and/or R&D building completed during a second phase. This structure would contain a new and improved Green Line station.

Proposed uses for the main building aim to satisfy some outstanding needs in the area. The site is strategically located to accommodate many of the Longwood Medical Area research and office uses that may currently be encroaching on the area's neighborhoods. The now desolate and inactive main building can also provide convenient shopping and service opportunities for the surrounding neighborhoods. Accordingly, the ground floor would be dedicated to retail uses. Floors two through ten, including a two-story addition, would be outfitted for office or R&D uses. In total, Olmsted Plaza would contain approximately 1.68 million square feet of gross floor area consisting of retail, office and R&D space.

A total of 575 surface parking spaces will be eliminated, including all on-site surface parking, as well as surface parking on two of three ancillary properties. These would be consolidated into a 1500-2000 space parking garage situated at the rear of the site. The major points of access are existing curb cuts on Park Drive, Brookline Avenue and Fullerton Street.

Copies of the complete ENF may be obtained from (proponent or agent):

Name: Scott McCandless

Firm: HMM Associates, Inc.

Address: 336 Baker Ave.

Phone No. (508) 371-1692

Concord, MA 02174

1986

THIS IS AN IMPORTANT NOTICE. COMMENT PERIOD IS LIMITED.

For Information, call (617) 727-5830

- C. List the State or Federal agencies from which permits or other actions have been/will be sought:
- | Agency Name | Permit | Date filed; file no. |
|-------------|--------|----------------------|
|-------------|--------|----------------------|

See attached.

- D. List any government agencies or programs from which the proponent will seek financial assistance for this project:

Agency Name	No federal or state funding will be required for this project; the project will be entirely funded by the proponent. However, given the sizeable level of private sector investment, it is hoped that federal and state funding might be obtained to restore the "missing link" Olmsted Park site which will be donated by the developer. Also, it is hoped that federal and state financial assistance would be obtained to upgrade the Fenway Station on the MBTA's Green Line.
-------------	---

- E. Areas of potential impact (complete Sections II and III first, before completing this section).

1. Check all areas in which, in the proponent's judgment, an impact of this project may occur. Positive impacts, as well as adverse impacts, may be indicated.

	Construction Impacts	Long Term Impacts
Inland Wetlands	x	x
Coastal Wetlands/Beaches		
Tidelands		
Traffic	x	x
Open Space/Recreation		x
Historical/Archaeological	x	x
Fisheries/Wildlife		
Vegetation/Trees		x
Agricultural Lands		
Water Pollution		
Water Supply/Use		x
Solid Waste	x	x
Hazardous Materials	x	
Air Pollution	x	
Noise	x	
Wind/Shadow		x
Aesthetics	x	x
Growth Impacts		x
Community/Housing and the Built Environment		x
Other (Specify)		

2. List the alternatives which have been considered.

The only alternatives to the project currently considered feasible are the No-Build option* and minor variations in the timing of the construction of the project.

*Meaning that the building remains vacant.

1C. LIST ANY STATE OR FEDERAL AGENCIES FROM WHICH PERMITS OR OTHER ACTIONS HAVE BEEN/WILL BE SOUGHT:

<u>Agency Name</u>	<u>Permits</u>
Mass. Department of Environmental Quality Engineering (DEQE)	Fossil Fuel Utilization Permit
DEQE	Pre-Demolition Notice
EPA	Pre-Asbestos Removal Notice
EPA	NPDES Permit
DEQE	Pre-Asbestos Removal Notice
DEQE	Pre-Construction Notice
DEQE & Mass. Div. of Water Pollution Control of DEQE	Sewer Connection Permit
Mass. Water Resources Authority	Approval of Grease Traps
MWRA	Industrial Use Permit
MCC. (DPW)	Curb Cut Permit
EOTC	Approval of Issuance of Building Permit
Massachusetts Historical Commission	Historic Review
U.S. Department of Interior	IRS Code Section 48 Tax Credit

F. Has this project been filed with EOE A before? No X Yes _____ EOE A No. _____

G. WETLANDS AND WATERWAYS

1. Will an Order of Conditions under the Wetlands Protection Act (c.131s.40) or a License under the Waterways Act (c.91) be required?
Yes _____ No _____ (under investigation)
2. Has a local Order of Conditions been:
a. issued? Date of issuance N/A ; DEQE File No. N/A .
b. appealed? Yes N/A ; No N/A .
3. Will a variance from the Wetlands or Waterways Regulations be required? Yes _____ ;
No X .

II. PROJECT DESCRIPTION

- A. Map; site plan. Include an original 8½ x 11 inch or larger section of the most recent U.S.G.S. 7.5 minute series scale topographic map with the project area location and boundaries clearly shown. If available, attach a site plan of the proposed project.

- B. State total area of project: 8.8 acres.

Estimate the number of acres (to the nearest 1/10 acre) directly affected that are currently:

- | | | | |
|----------------------|------------------|-------------------------|----------------|
| 1. Developed | <u>8.8</u> acres | 6. Tidelands | <u>0</u> acres |
| 2. Open Space: | | 7. Productive Resources | |
| Woodlands Recreation | <u>0</u> acres | Agriculture | <u>0</u> acres |
| 3. Wetlands | <u>0</u> acres | Forestry | <u>0</u> acres |
| 4. Floodplain | <u>3</u> acres | 8. Other | <u>0</u> acres |
| 5. Coastal Area | <u>0</u> acres | | |

- C. Provide the following dimensions, if applicable:

	Existing	Increase	Total
Length in miles	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
Number of Housing Units	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
Number of Stories	<u>8</u>	<u>2</u>	<u>10</u>
Gross Floor Area in square feet	<u>1,300,000</u>	<u>380,000</u>	<u>1,680,000</u>
Number of parking spaces	<u>575 (will</u>	<u>1500-2000</u>	<u>1500-2000</u>
Total of Daily vehicle trips to and from site	<u>be elim.)</u>		
(Total Trip Ends)	<u>< 100</u>	<u>13,400</u>	<u>13,500</u>
Estimated Average Daily Traffic on road(s) serving site			
1. <u>Brookline Avenue</u>	<u>28,000</u>	<u>N/A</u>	<u>N/A</u>
2. <u>Park Drive</u>	<u>9,000</u>	<u>N/A</u>	<u>N/A</u>
3. <u>Boylston Street</u>	<u>31,000</u>	<u>N/A</u>	<u>N/A</u>

- D. TRAFFIC PLAN. If the proposed project will require any permit for access to local roads or state highways, attach a sketch showing the location and layout of the proposed driveway(s).

The project will not require any permits for access to local roads.

III. ASSESSMENT OF POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS

Instructions: Explain direct and indirect adverse impacts, including those arising from general construction and operations. For every answer explain why significant adverse impact is considered likely or unlikely to result. Positive impact may also be listed and explained.

Also, state the source of information or other basis for the answers supplied. Such environmental information should be acquired at least in part by field inspection.

A. Open Space and Recreation

1. Might the project affect the condition, use, or access to any open space and/or recreation area? Source: Olmsted Plaza Associates

Explanation and Source: A 219-space surface parking lot owned by the present owner will be conveyed to the City of Boston so that it can be restored as a link in the Olmsted "Emerald Necklace" park system.

2. Is the project site within 500 feet of any public open space, recreation, or conservation land?

Explanation and Source: A small neck of the West Fens Park is located across Brookline Avenue and Boylston Street from the site, as well as the parcel across Park Drive, which will later be converted to "Emerald Necklace" land.

Source: Field Inspection

B. Historic and Archaeological Resources

1. Might any site or structure of historic significance be affected by the project? (Prior consultation with Massachusetts Historical Commission is advised.)

Explanation and Source:

2. Might any archaeological site be affected by the project? (Prior consultation with Massachusetts Historical Commission is advised.)

Explanation and Source: The site has already been disturbed and as such it is unlikely that any archaeological site will be affected by the project. A letter has been sent to the Massachusetts Historical Commission to confirm this.

Source: Notter, Finegold & Alexander

C. Ecological Effects

1. Might the project significantly affect fisheries or wildlife, especially any rare or endangered species? (Prior consultation with the Massachusetts Natural Heritage Program is advised).

Explanation and Source: No rare or endangered species of animal is known to exist within the project area.

Source: Massachusetts Natural Heritage Program

The Sears Building is considered to have historical significance by virtue of its status as a Boston example of Art Deco architecture. The Boston Landmarks Commission is evaluating the building for possible designation as a City landmark and for possible nomination to the National Register. The proponent proposes the demolition of several historically insignificant additions to the back of the original Sears Building which will reexpose the original structure. There will be no demolition or alteration of any historically significant structures.

Source: Notter, Finegold & Alexander

2. Might the project significantly affect vegetation, especially any rare or endangered species of plant? (Prior consultation with the Massachusetts Natural Heritage Program is advised.)

(Estimate approximate number of mature trees to be removed: Unknown)

Explanation and Source: No.

Some grass and several fruit trees may be removed and replaced with intensive landscaping. New landscaping will be designed to reflect the original designs for the site's frontage on Park Drive.

Source: Olmsted Plaza Associates

3. Agricultural Land. Has any portion of the site been in agricultural use within the last 15 years?

If yes, specify use and acreage. No.

Explanation and Source:

The site has been used as a distribution center and retail center for Sears Roebuck and Company.

Source: Coldwell Banker

D. Water Quality and Quantity

1. Might the project result in significant changes in drainage patterns?

Explanation and Source:

Due to the demolition of warehouses and construction of 3 new structures, the drainage patterns will likely be changed slightly. Landscaping may also result in small changes to the existing drainage patterns. Site is almost totally built upon or paved now.

Source: Vanderweil Engineers

2. Might the project result in the introduction of any pollutants, including sediments, into marine waters, surface fresh waters or ground water? No.

Explanation and Source:

It is not expected that any pollutants will be introduced into the nearby waterways.

Source: Notter, Finegold & Alexander

3. Does the project involve any dredging? No X Yes _____ Volume N/A . If 10,000 cy or more, attach completed Standard Application Form for Water Quality Certification. Part I (314 CMR 9.02(3), 9.90, DEQE Division of Water Pollution Control).

No dredging will be performed during the construction or operation of the proposed project.

Source: Notter, Finegold & Alexander

4. Will any part of the project be located in flowed or filled tidelands, Great Ponds, or other waterways? (Prior consultation with the DEQE and CZM is advised.)

Explanation and Source:

No part of the project will be located in flowed or filled tidelands or Great Ponds.

Source: HMM review of DEQE/DWWR plan of earliest known shoreline of Boston Harbor

5. Will the project generate or convey sanitary sewage? No _____ Yes X

If Yes, Quantity: 120,000 gallons per day

Disposal by: (a) Onsite septic systems Yes _____ No X
(b) Public sewerage systems (location; average and peak daily flows to treatment works) Yes X No _____

Explanation and Source:

Source: DEQE Division of Water Pollution Control Sewage Flow Estimates Calculation Tables

6. Might the project result in an increase in paved or impervious surface over a sole source aquifer or an aquifer recognized as an important present or future source of water supply? No.

Explanation and Source:

The proposed project will decrease the total amount of paved/impervious surfaces of the site as much of the paved parking area will be removed and landscaped.

Source: Notter, Finegold & Alexander

7. Is the project in the watershed of any surface water body used as a drinking water supply? No.

Explanation and Source:

The project is not in the watershed of any surface water body used as a drinking water supply.

Source: HMM Project Evaluation

8. Are there any public or private drinking water wells within a 1/2-mile radius of the proposed project? No.

Explanation and Source:

Water at this site is provided by Massachusetts Water Resources Authority.

Source: HMM Project Evaluation

9. Does the operation of the project result in any increased consumption of water? Yes.

Approximate consumption 132,000 gallons per day. Likely water source(s) MWRA

Explanation and Source:

Source: DEQE Division of Water Pollution Control sewage flow estimates Calculation Tables

E. Solid Waste and Hazardous Materials

1. Estimate types and approximate amounts of waste materials generated, e.g., industrial, domestic, hospital, sewage sludge, construction debris from demolished structures. How/where will such waste be disposed of?

Explanation and Source:

There will be 20,500 lbs. of solid waste generated by the project when it is in full operation. All construction debris (210 30-yard dumpsters) will be removed to approved dumping grounds in accordance with all existing rules and regulations set forth by the City of Boston.

Source: George B.H. Macomber Co.

2. Might the project involve the generation, use, transportation, storage, release, or disposal of potentially hazardous materials? Yes

Explanation and Source:

Hazardous materials are currently known to exist at the site. Upon demolition of the warehouse buildings and renovation of the main buildings, all hazardous materials (asbestos e.g.) will be disposed of in accordance with standard practices and procedures.

Source: Geotechnical Engineers, Inc.

3. Has the site previously been used for the use, generation, transportation, storage, release, or disposal of potentially hazardous materials? No.

Explanation and Source:

No hazardous materials are currently known to have been used at the site previously.

Source: Geotechnical Engineering, Inc.

F. Energy Use and Air Quality

1. Will space heating be provided for the project? If so, describe the type, energy source, and approximate energy consumption.

Explanation and Source:

Heating for the project will be provided by steam boilers fueled by either oil or gas.

Source: Vanderweil Engineering

2. Will the project require process heat or steam? If so, describe the proposed system, the fuel type, and approximate fuel usage. No.

Explanation and Source:

The project intends to use space heating only. There will be no industrial process heat or steam required.

Source: Vanderweil Engineers

3. Does the project include industrial processes that will release air contaminants to the atmosphere? If so, describe the process (type, material released, and quantity released).

Explanation and Source:

The project will not include any industrial processes.

Source: Vanderweil Engineers

4. Are there any other sources of air contamination associated with the project (e.g. automobile traffic, aircraft traffic, volatile organic compound storage, construction dust)?

Explanation and Source:

There will be construction dust during the demolition and site preparation work. Fugitive dust will be treated in accordance with standard practices and procedures.

Once completed, the project will generate significant automobile traffic. This being the case, the project is an indirect source of vehicular emissions.

Source: HMT Project Evaluation

5. Are there any sensitive receptors (e.g. hospitals, schools, residential areas) which would be affected by air contamination caused by the project? Yes.

Explanation and Source:

The Longwood Medical Area, as well as several residential areas, are in general proximity to the project. These could be affected if air contamination is caused by the project.

Source: Field Inspection

G. Noise

1. Might the project result in the generation of noise? Yes.

(Include any source of noise during construction or operation, e.g., engine exhaust, pile driving, traffic.)

Explanation and Source:

Noise will be generated during the demolition of the small warehouse buildings and the construction of the three new structures.

2. Are there any sensitive receptors (e.g., hospitals, schools, residential areas) which would be affected by any noise caused by the project? Yes.

Explanation and Source: The Longwood Medical Area, which consists of 175 acres and contains over 25 medical and educational institutions, is located in the Brookline Avenue area south of the site. Several residential neighborhoods are also located within 4-5 blocks of the site.

Source: Field Inspection

3. Is the project a sensitive receptor, sited in an area of significant ambient noise? No.

Explanation and Source: The project is located in a typically heavily developed urban area and is consistent with the nearby land uses.

Source: Field Inspection

H. Wind and Shadow

1. Might the project cause wind and shadow impacts on adjacent properties? Yes

Explanation and Source: Some increase in shadows may result from the building adjacent to the Green Line right-of-way.

Source: Notter, Feingold & Alexander

I. Aesthetics

2. Are there any proposed structures which might be considered incompatible with existing adjacent structures in the vicinity in terms of size, physical proportion and scale, or significant differences in land use? No.

Explanation and Source: The site has been the locus of commercial/retail activity since 1900. Special attention has been given by the architects to achieve a successful transition to the adjoining neighborhoods.

Source: Notter, Feingold & Alexander

2. Might the project impair visual access to waterfront or other scenic areas?

Explanation and Source: No. The existing structure is the tallest in the neighborhood. Presently no nearby residential housing has scenic views that would be impaired by the project.

Source: Field Inspection

IV. CONSISTENCY WITH PRESENT PLANNING

Discuss consistency with current federal, state and local land use, transportation, open space, recreation and environmental plans and policies. Consult with local or regional planning authorities where appropriate.

The Sears Building is presently isolated from its surrounding neighborhoods by its physical boundaries (three major thoroughfares and the MBTA Green Line). Also, since the shutdown of the Sears retail department store at the site (mid-1950's) there has been limited public interest in the site.

The new Olmsted Plaza will satisfy many outstanding needs in the area. The site is strategically located to accommodate many of the Longwood Medical Area research and office uses that may currently be encroaching in the area's neighborhoods. The now desolate and inactive main building can also provide convenient shopping and service opportunities for the local neighborhoods. The new office on Park Drive will house a new Green Line station to replace the currently under-utilized Fenway station. It would also provide easy access to Park Drive from the Olmsted Plaza development. Significant landscaping is also planned improving the site's general appearance and pedestrian circulation.

V. FINDINGS AND CERTIFICATION

- A. The public notice of environmental review has been/will be published in the following newspaper(s):

(NAME) Boston Herald (Date) Saturday, February 25, 1989

- B. This form has been circulated to all agencies and persons as required by 301 CMR 11.24.

Circulation List is attached.

Date	<u>Patrick A. Lee</u> Signature of Responsible Officer or Project Proponent	Date	<u>1/15/89</u>
	Patrick Lee		<u>Samuel H. Gifford</u> Signature of person preparing ENF (if different from above)
	Name (print or type)		Samuel H. Gifford
	Address <u>Four Copley Place, Suite 600</u>		Address <u>336 Baker Ave.</u>
	<u>Boston, MA 02116</u>		<u>Concord, MA 01742</u>
	Telephone Number <u>(617) 262-6600</u>		Telephone Number <u>(508) 371-1892</u>

CIRCULATION LIST

SEARS BUILDING REDEVELOPMENT - BOSTON, MA

- (2) Secretary of Environmental Affairs
100 Cambridge Street, 20th Floor
Boston, MA 02202
Attention: MEPA Unit

Department of Environmental
Quality Engineering
One Winter Street
Boston, MA 02108

Executive Office of Communities
& Develop.
State Clearinghouse
100 Cambridge Street, 9th Floor
Boston, MA 02202

Massachusetts Historical Commission
80 Boylston Street
Boston, MA 02116

Metropolitan Area Planning Council
110 Tremont Street
Boston, MA 02108

DPW - Dist. 8
400 D Street
Boston, MA 02210

BRA
One City Hall Plaza, 9th Floor
Boston, MA 02201

Coastal Zone Management
100 Cambridge Street, 20th Floor
Boston, MA 02202

Division of Marine Fisheries
100 Cambridge Street, 19th Floor
Boston, MA 02202

Massachusetts Water Resources
Authority
100 First Avenue
Charlestown Navy Yard
Boston, MA 02129

Executive Office of Transportation
& Construction
10 Park Plaza, Room 3510
Boston, MA 02116-3969

**Department of Public Works
10 Park Plaza - Room 4260
Boston, MA 02202**

**Mass. Bay Transit Authority
10 Park Plaza, 5th Floor
Boston, MA 02116-3966**

**Boston Conservation Commission
The Environmental Department
Boston City Hall - Room 805
Boston, MA 02201**

**DEQE
Metro Boston/Northeast Regional Office
5 Commonwealth Avenue
Woburn, MA 01801**



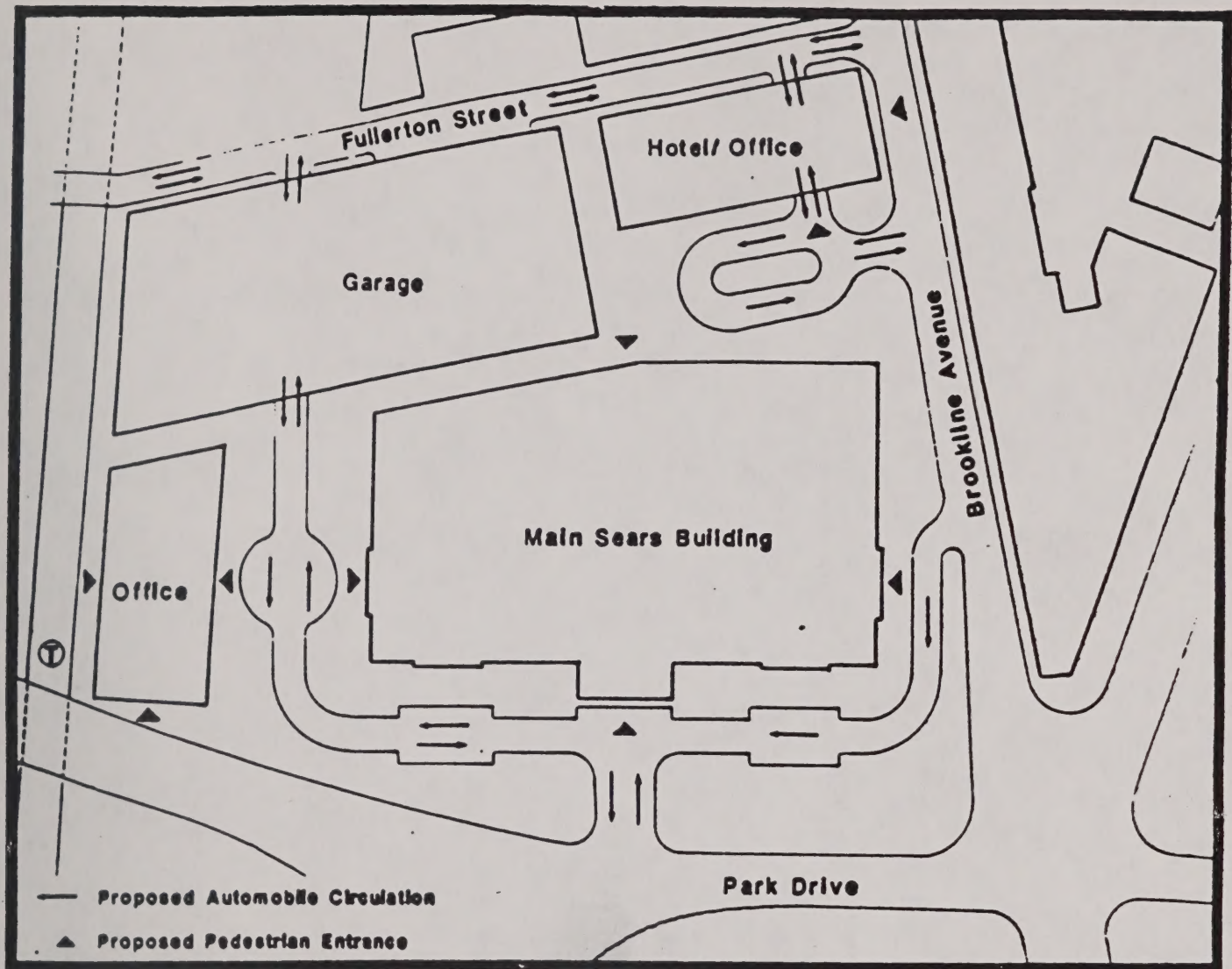


FIGURE 6: ACCESS, PARKING CIRCULATION AND OPEN SPACE

FPIR / FEIR OLMSTED PLAZA

A Redevelopment of the Sears Property
309 Park Drive/ 201 Broadway
In the Fenway

APPENDIX Y-2

Final Project Impact Report/Final Environmental Impact Report
EOEA #7643

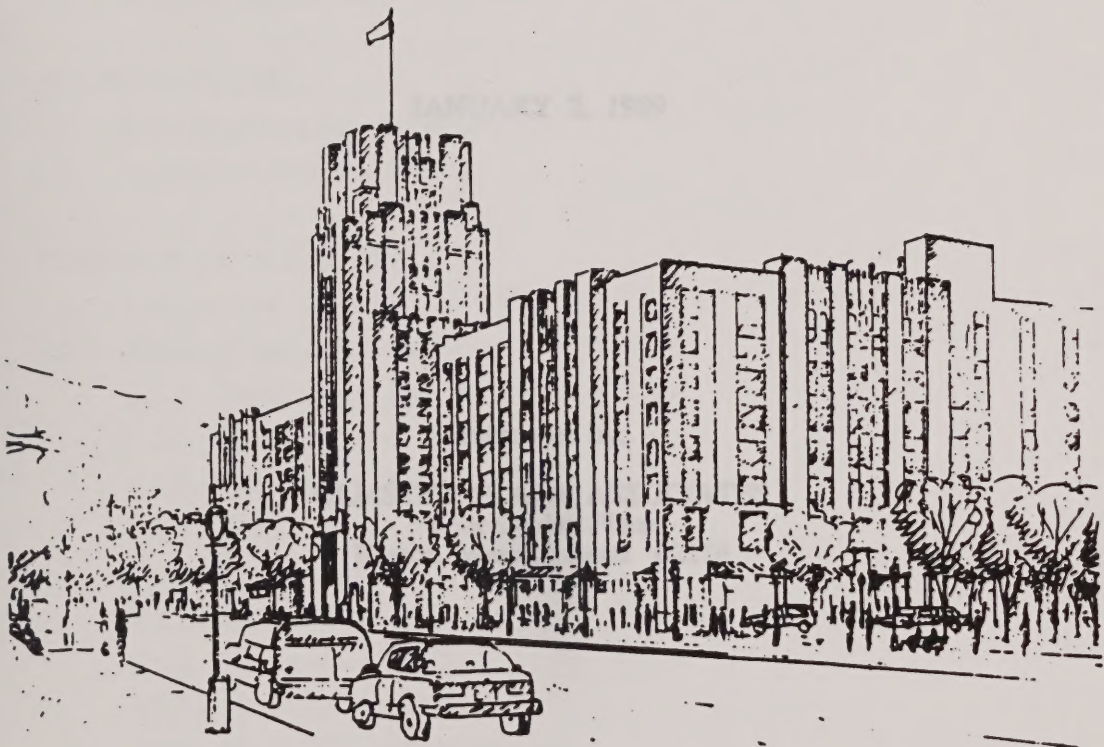


Submitted by:
OLMSTED PLAZA ASSOCIATES, INC.
Four Corley Place
Boston, Massachusetts 02115

FPIR / FEIR OLMSTED PLAZA

A Redevelopment of the Sears Property
309 Park Drive/ 201 Brookline Avenue
In the Fenway

January 2, 1990
EOEA #7643



Submitted by:
OLMSTED PLAZA ASSOCIATES, INC.
Four Copley Place
Boston, Massachusetts 02116

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Submitted by:

**OLMSTED PLAZA ASSOCIATES
Four Copley Place
Boston, Massachusetts 02116**

Prepared by:

**HMM ASSOCIATES, INC.
196 Baker Avenue
Concord, Massachusetts 01742
(508)371-4000**

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1.0 APPLICANT INFORMATION

1.1 Project Identification

This document analyzes the Olmsted Plaza project, a large, mixed-use development to be undertaken in the Fenway district of Boston. The Project entails renovating the former Sears, Roebuck and Co. distribution facility and constructing two new commercial Project buildings and parking facilities (one on-site and one off-site) in a phased development.

1.2 The Development Team

Olmsted Plaza Associates, a Massachusetts general partnership, will be the developer of the Project. The partners of Olmsted Plaza Associates are a) JMB/Olmsted Limited Partnership, an Illinois limited partnership with JMB/Olmsted, Inc., an Illinois corporation, as its general partner, and b) Macomber Olmsted Plaza Associates Limited Partnership, a Massachusetts limited partnership with MOPA, Inc., a Massachusetts corporation, as its general partner.

The development team for the Project includes several advisors and consultants that have contributed to the compilation of the information presented in this document. Key members of the development team are:

Attorneys:	Hale and Dorr
Architects:	Notter Finegold + Alexander, Inc.
Development Advisors:	Trinity Financial
Environmental Consultants:	HMM Associates, Inc.
Geotechnical Consultants:	Goldberg Zoino & Associates, Inc.
Landscape Consultants:	The Halvorson Co., Inc.
Mechanical Engineers:	R.G. Vanderweil Engineers, Inc.
Construction Consultants:	George B.H. Macomber Co.
Housing Consultants:	Stockard & Engler
Employment Consultants:	Mount Auburn Associates

The project manager and designated contact person for each of these organizations, together with business addresses and telephone numbers, are included in the Project Directory which is attached as Appendix A of the DPIR/DEIR.

1.7 Regulatory Status

The Project is subject to the Massachusetts Environmental Policy Act (MEPA) environmental review requirements. The project is one for which an Environmental Impact Report is categorically required.

The Site falls outside the Downtown/Northern Avenue Corridor Area boundaries to which Article 31 of the Boston Zoning Code applies. At the request of the BRA, however, Olmsted Plaza Associates has agreed to voluntarily undertake the Article 31 review process. Accordingly this report has been compiled and is being submitted as joint Final Project Impact Report/Final Environmental Impact Report (FPIR/FEIR). This document responds to the comments on the joint DPIR/DEIR filed September 29, 1989. Attached as Appendix I are the BRA Preliminary Adequacy Determination and the MEPA Certificate for this document.

The developers have been granted Planned Development Area (PDA) status for the project. To this end the project has been before the Boston Redevelopment Authority (BRA) Board on two occasions. On November 16, 1989, the BRA held a public hearing on the project. The Board continued the hearing on November 30, 1989 to hear additional information on issues of concern. By the close of the second session, representatives of all major groups participating in the hearing cited support for the project and its PDA. The Board voted unanimously to grant the PDA designation.

The Project is also subject to a series of Federal, State and local permit requirements. A list of these are attached as Appendix D is of the DPIR/DEIR. Applications for these permits will be submitted beginning in December 1989. The list of permits included as Appendix E is subject to change based upon refinements in the design of the Project.

1.8 Financial Information

Total development cost is estimated to be \$270,000,000. This estimate includes land costs, construction costs, interest carrying costs, and initial operating losses. A detailed breakdown of hard and soft costs, and a ten year operating pro forma have been submitted to the BRA under separate cover.

2.0 PROJECT UPDATE

Work on the Olmsted Plaza project has continued at a significant pace since the filing of the DPIR/DEIR. The nature of the work may be broken into three categories: 1) refinements to the design of the project, 2) additional technical studies, and 3) continuation of the discussions with regulatory agencies and concerned citizens. The physical changes to the basic design of the project proper since the filing of the DPIR/DEIR on September 29, 1989 have been relatively modest. The proponent attributes this to the fact that the project has been thoroughly reviewed and critiqued through most of the calendar year, and the major changes in project design (reductions in height and floor area and modifications to the site plan) were accomplished prior to filing the draft report. The new technical studies, on the other hand, have been substantial. They entail major revisions to the transportation analysis, including development of comprehensive mitigation plans. They also include the housing and employment studies, minor revisions to the environmental component of the report, and detailed responses to the comments from State and City agencies and the concerned public.

The continuing discussions have also constituted a major effort. The developer and its consultants have participated in a nearly continuous stream of working meetings and public presentations. This effort has resulted in the identification and resolution of the significant issues relating to the construction and operation of the project. The success in resolving the major issues is evidenced by the community and City support for the project at the conclusion of the Planned Development Area (PDA) hearings before the BRA Board on November 30, 1989.

2.1 Refinements to the Project Designs

In response to community concern regarding potential shadow impacts from the Park Drive building, the upper two floors have been set back, removing approximately 11,000 gsf. The current area of the Park Drive building is 223,000 gsf.

Olmsted Plaza will now consist of 1,446,000 square feet of research and development, office and retail and related space. A detailed site plan is shown in Figure 2-1. The mix of uses may include more medical R&D space than originally planned with less office space. The retail components should remain as reported in the DPIR/DEIR. The day care center will be 8,000 square feet, but it will accommodate 100 instead of 80 children. The increase in day care capacity is a response to community requests to increase this valuable service. Increases in

R&D space may be made in response to market conditions. At this time, it is anticipated that two thirds of the developed space will be leased for R&D uses. Table 2-1 summarizes the revised Development Program.

The DPIR/DEIR reported that the Brookline Avenue Building could be constructed as either office space or hotel space. After reviewing market conditions the office alternative appears much more likely. The economics of the hotel option make it a distant second choice at this time.

Probably the single most significant refinement to the project design is the modification to the parking element. The DPIR/DEIR reported that all parking was to be provided in a single, 1525-space garage on the site. The garage design included eight parking levels above ground, with service access to the project provided below ground level. The garage was to be built in two phases. In Phase I, which was coincident with the Phase I renovation of the Sears Building, the proponent planned to construct the first five levels of the garage, together with the subsurface service area. The parking supply in the first phase of the garage was to be supplemented by temporary surface parking lots at the site of the two Phase II buildings (i.e., the Park Drive Office Building and the Brookline Avenue Building). During Phase II the remainder of the garage was to be completed, and the surface parking eliminated.

Project critics resisted this concept citing two underlying issues. First, several people cited aesthetic differences with the design. They expressed the opinion that the garage was simply too big a mass to place on the site. The eight story, open air garage was considered unappealing. Its height and footprint, in combination, were perceived to be intimidating, both from the perspective of activity on the site, and from the perspective of abutters to the north of the site. Second, several critics suspected the garage was too large from a traffic generation standpoint. It was hypothesized that traffic impacts could be ameliorated by reducing the number of parking spaces on the site.

After considerable debate the City directed Olmsted Plaza Associates (OPA) to design and consider a split parking design. The split parking design includes shrinking the on-site parking garage, while simultaneously developing a smaller satellite parking garage on the Van Ness Street parcel included in the acquisition.

The new on-site design calls for spaces on six levels above grade including roof parking. The below grade level will be fully excavated to allow for 100 parking spaces while maintaining the truck access and egress to the loading docks. The ground floor level will still provide access between Fullerton Street and Park Drive. In addition, it will provide parking for 45 vehicles. This will be broken up into 24 short term spaces and 21 handicapped spaces.

OLMSTED PLAZA PROGRAM

Area Allocation

There will be 150 spaces on the second floor and 210 spaces on floors three through five. The roof will provide 225 spaces, giving the garage a total capacity of 1155 vehicles. The garage will be completed during the first phase of construction instead of being built in phases. This will allow for more interim parking on site between build out years. It will also reduce the amount of construction associated with the second phase of development. Figure 2-2 is an elevation plan with orientation from the south.

The new Van Ness Street garage is in the preliminary design stage at this time. The garage will be constructed at grade with a half level basement excavated. It will provide parking on five levels (including the roof). There will be approximately 45 spaces on the basement level, 100 spaces per floor on the levels above grade, and 33 spaces on the roof, for a total of 499 spaces. The garage will be in a double helix layout, two bays wide with angled spaces and two-way traffic. It will have an entrance on Van Ness Street, approximately 700 feet west of Yawkey Way. A two-lane exit will be on Van Ness Street 50-60 feet west of Yawkey Way. Figure 2-3 is a preliminary design concept for the first floor of the Van Ness garage. Steel columns and beams will support concrete decks. Pre-cast concrete will be used and there will be architectural trim on the facades. The garage will be approximately 163,000 square feet. The total amount of spaces for the project with the split garage concept will increase from 1525 to 1595-1655.

Plans for the "Missing Link" or Riverway Park have also been revised slightly over the last two months. Figure 2-4 is a revised concept plan for the Park. There will no longer be flowered plantings along the original location of the water course. Instead there will be a restored softscape with plantings at the perimeter of the park. The overall design will attempt to regain a consistency with the adjacent areas of the Emerald Necklace. There will be minimal buffering to the surrounding traffic, with the design permitting entrance to the park from all four sides. A Riverway Park Design Advisory Committee is presently being formed by the Boston Parks and Recreation Department. This committee will oversee the reconstruction of the park and will strongly influence design through the short and long term.

Originally, Olmsted Plaza Associates suggested using subsidies from two years of interim parking on the Missing Link parcel to help fund the park's reconstruction. In an effort to assure that the park reconstruction schedule will coincide with the completion of Phase I of the development, OPA has committed to having the park completed by no later than July 1, 1992. In addition, OPA has agreed to lead the fundraising effort for the \$1.1 million in design and capital funds required to complete the park. Permits for commencing with Phase II of the project will be linked with the successful completion of this fundraising campaign.

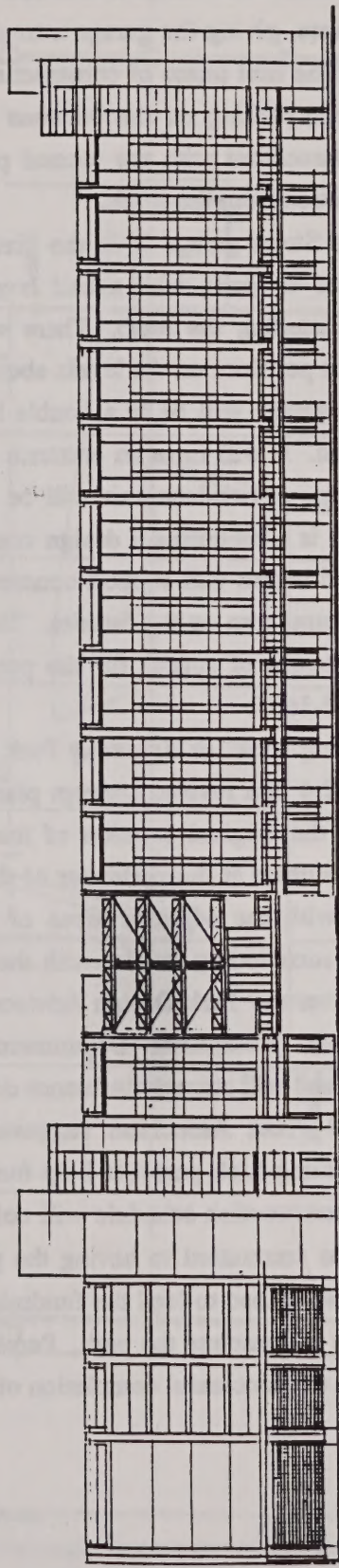


FIGURE 2-2
ON-SITE GARAGE ELEVATIONS

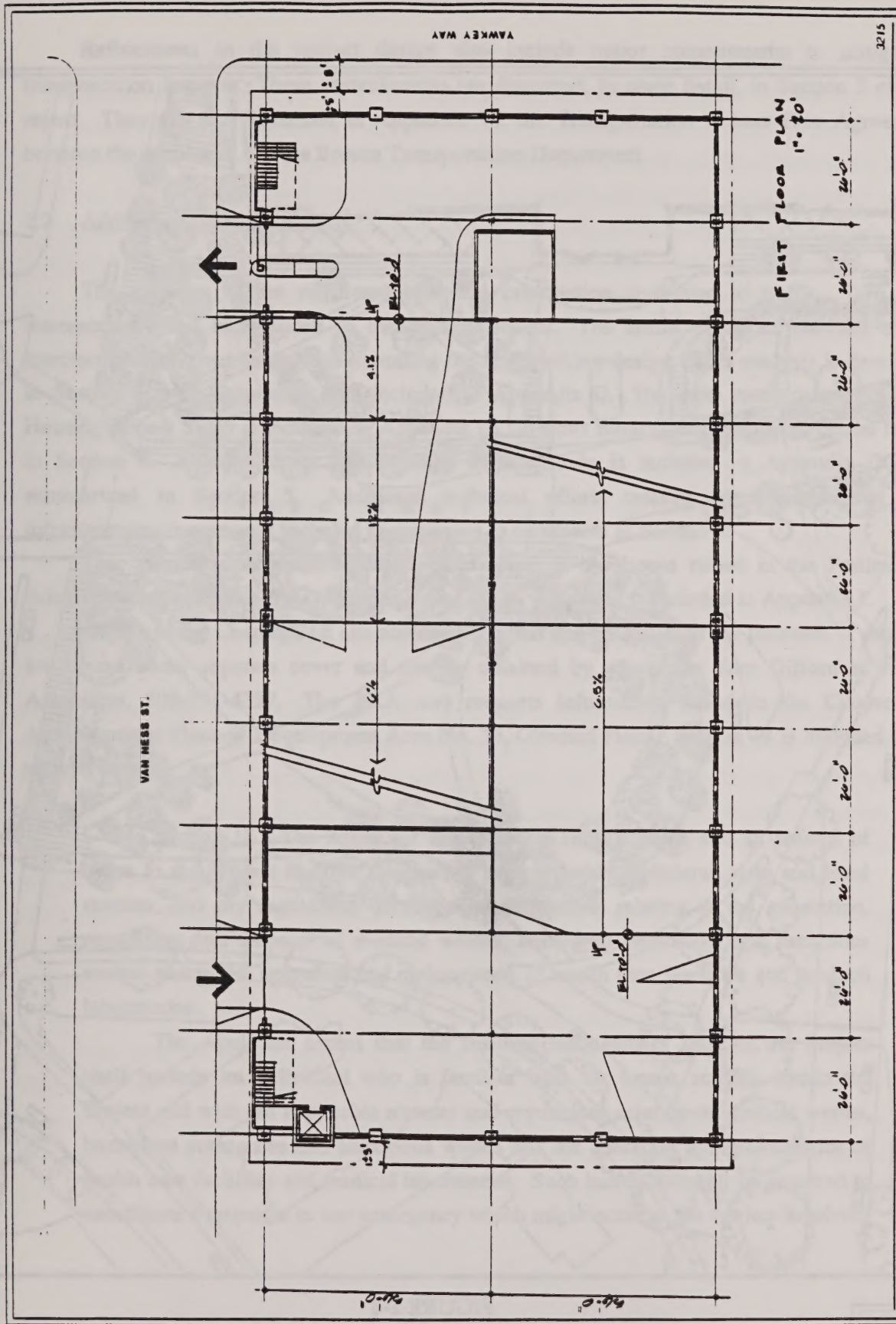


FIGURE 2-3
VAN NESS GARAGE - FIRST FLOOR PLAN

32/15

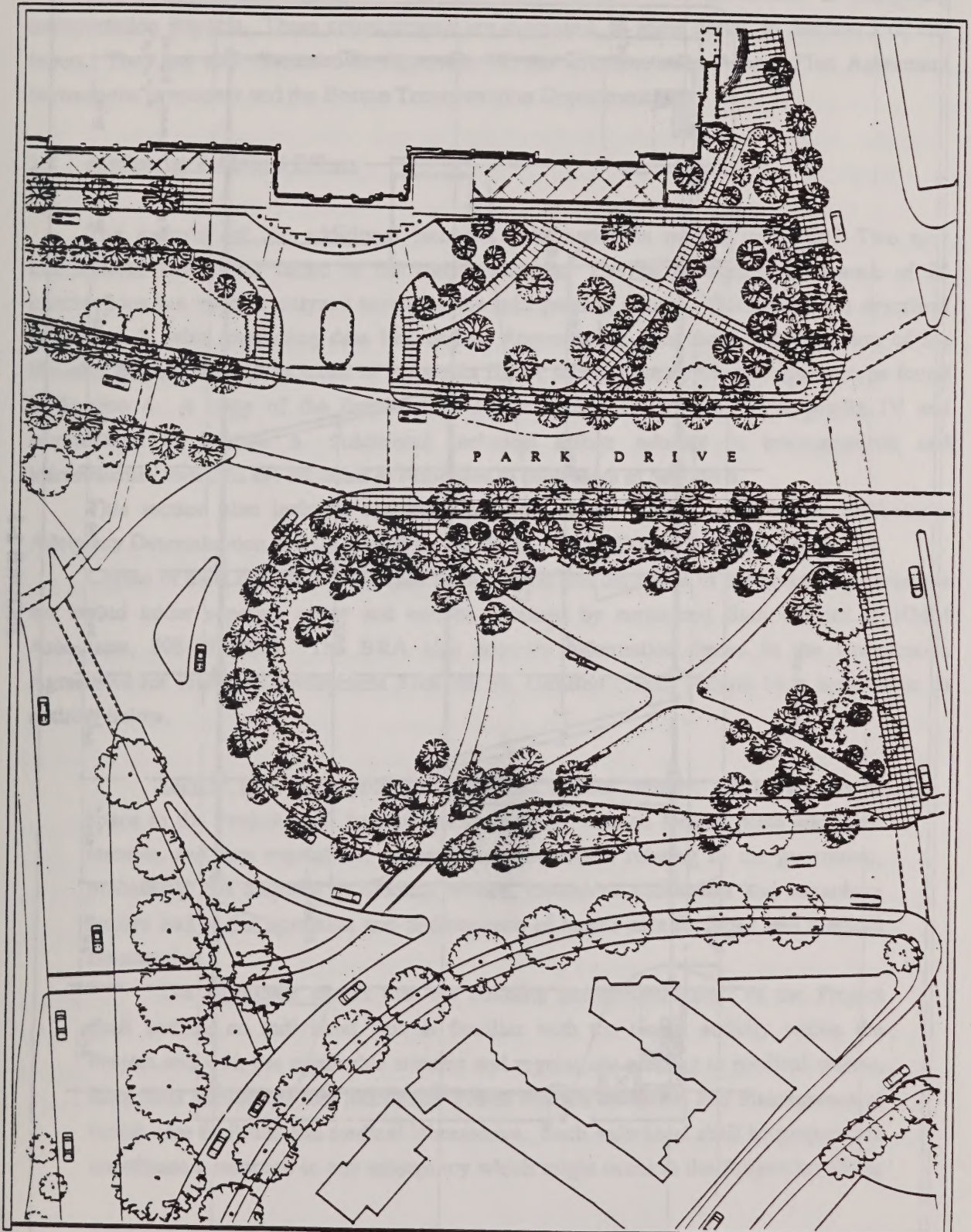


FIGURE 2-4
REVISED CONCEPT PLAN - RIVERWAY PARK

Refinements in the project design also include major commitments to mitigating transportation impacts. These commitments are discussed, in some detail, in Section 3 of this report. They are also discussed in Appendix VI, the Transportation Access Plan Agreement between the proponent and the Boston Transportation Department.

2.2 Additional Technical Efforts

The majority of the additional technical information is related to traffic. Two new intersections have been added to the traffic network. The entire expanded network of 26 intersections has been reanalyzed assuming the split parking design. This analysis is described in Section 3, with supporting data included as Appendix II. The most recent version of the Housing Impact Study is included as Appendix III. A short summary of this report can be found in Section 4. A copy of the Employment Impact Study is included as Appendix IV and summarized in Section 5. Additional technical efforts relating to environmental and infrastructure concerns are included as responses to comments in Section 6.

This section also includes responses to some of the issues raised in the Preliminary Adequacy Determination (PAD) drafted by the BRA. The PAD is included in Appendix I.

Copies of the Chapter 21E site assessment report and the report of the presence of asbestos are bound under separate cover and can be obtained by contacting Sam Gifford at HMM Associates, 508-371-4327. The BRA also requests information found in the Cooperation Agreement for Planned Development Area No. 36, Olmsted Plaza. Section 18 is included in its entirety below.

Section 18 - The Applicant agrees that it shall comply, and all tenants of space in the Project shall be required to comply, with all federal, state and local statutes, and any regulations promulgated thereunder, relating to the generation, processing and disposal of medical wastes, hazardous substances and hazardous wastes and to the operation and maintenance of health care facilities and medical laboratories.

The Applicant agrees that the building management staff of the Project shall include an individual who is familiar with the tenant activity within the Project and with the applicable statutes and regulations relating to medical wastes, hazardous substances and hazardous wastes and the operation and maintenance of health care facilities and medical laboratories. Such individual shall be prepared to coordinate a response to any emergency which might occur at the Project involving

medical wastes, hazardous substances or hazardous wastes. The Applicant agrees to use reasonable efforts to cause information relating to tenant activities involving any of such substances to be available to the public, except to the extent any such information may be proprietary or a trade secret.

The Applicant shall include in all leases for laboratory space at the project a requirement that all experiments involving the use of animals conducted at Olmsted Plaza shall be conducted in conformity with legal requirements of the current Guide for the Care and Use of Animals of the National Institute of Health and succeeding and revised editions thereof, the Animal Welfare Act (7 U.S.C. Section 2131 *et seq.*) and the federal regulations pursuant to said Act, the Public Health Service Policy on Humane Care and Use of Laboratory Animals, all as amended from time to time, statutes and regulations of the Commonwealth of Massachusetts, and ordinances, executive orders and regulations of the City of Boston.

In addition, it is anticipated that tenants will produce only small amounts of low-level radioactive, biological, and chemical wastes. No hazardous chemicals will be discharged into the waste or trash systems of the building.

A tenant's low-level radioactive waste must be segregated and handled in accordance with NRC regulations. Typically, isotopes with half-lives of less than 90 days are "decay-stored" for 10 half-lives (until they have decayed to background) and disposed of via normal trash systems. Other radioactive materials are packaged and hauled away by a licensed hauler such as ADCO, RADIAC, or NDL.

Disposal of biological and/or potentially infectious waste by tenants would be handled in accordance with the Mass. Department of Public Health Code 105 CMR 480.00 Sanitary Code Chapter VIII. Typically, chemical disinfectants and/or autoclave sterilization are used to inactivate waste. It is kept segregated from other trash and then packaged and hauled away by licensed commercial haulers such as DECOM, MEDI GEN, or BFI.

A tenant's chemical waste is also segregated and hauled away by a licensed commercial hauler such as Clean Harbors or AETC, in accordance with OSHA, EPA, and state DEP guidelines. The discharge of effluent vapors by a tenant falls under the state DEP Division of Air Quality Control Regulation 310 CMR 7.02, and tenants will register their (small) expected effluent vapor amounts by submitting a Form DDS-3.

While these disposal requirements are the compliance responsibility of each tenant, the base building systems have been specified and designed to assure tenants can meet all codes and regulations. For example, segregated potable and non-potable water supply systems, separate lab and sanitary waste systems, and a direct injection acid-base neutralizing system are included in the base building plumbing system. Sufficient shaft and roof space has been allocated to permit individual exhaust of all fume hoods, and ample, isolated, but easily-accessible storage areas have been allocated in the basement level for waste storage and removal.

Fresh air intakes will be supplied by louvers at the rear of the Sears Building 17' to 32' above grade. This air will be filtered. Lab exhausts will be ducted directly to the roof where they will be released to the atmosphere 12' above the main roof level (112' above ground level). Contaminants from potable water supplies will be controlled by the use of reduced pressure backflow preventers at all laboratories.

3.0 TRANSPORTATION ISSUES

3.1 Introduction

Since the filing of the DPIR/DEIR Olmsted Plaza Associates and its transportation consultants have continued to study key transportation issues. In response to comments raised by transportation agencies and the general public a large amount of supplementary analysis has been undertaken. The supplementary work includes the gathering and reporting of additional traffic counts, corrections to mistakes in earlier analysis, studies of new and revised traffic circulation concepts, and an expansion of the descriptions of means for mitigating traffic impacts.

For each of the four transportation components (i.e., traffic, public transportation, parking, and pedestrian circulation) this FPIR/FEIR addresses three basic conditions. First the analysis describes Existing Conditions. This is a description of the transportation systems that exist today. Next the analysis attempts to describe No-Build Conditions. These are the conditions that are to be expected in the future, without the Olmsted Plaza development. The No-Build case includes growth in demand for transportation resources from projects other than the proposed project. The No-Build conditions reflect expected non-project related growth in transportation demands through the year 1995, the year for which it is likely that project build out will be completed. Next the analysis calculates the project-related demand for transportation resources. The project-related demands are superimposed upon the No-Build demands to describe the Build Conditions, which estimate total future transportation demand impacts. Total project related demands are also estimated for a time frame representative of project completion in 1995.

The DPIR/DEIR analyzed several circulation options in its traffic analysis. These included the existing street system, both with and without a "Maitland Street Connector". The earlier analysis also included four alternate circulation plans: 1) the 'Sears Rotary; 2) the Riverway/Park Drive "T"; 3) the U.S. One-way Couplet; and 4) the U.K. One-way Couplet. After reviewing the HMM studies of these scenarios, and in response to public comments, the City suggested that the traffic studies be significantly updated and expanded. First the traffic consultants were directed to assume that project parking would be revised. In the new design concept it is assumed that the main garage is reduced in size from the 1525 spaces, reported in the DPIR/DEIR, to 1150 spaces. At the same time it is assumed that a satellite garage will be established off site, on the Van Ness Street parcel being acquired by the Applicant. A total of 499 spaces is assumed at this second location to make up for the reduction of spaces at the main site. Second, a revised set of circulation systems was suggested for analysis in the FPIR/FEIR. The four new scenarios are:

- Build, No Mitigation
- Build, With Brookline Avenue 5-Lane Section and Mitigation
- Build, With Brookline Avenue 5-Lane, Pure Rotary and Mitigation
- Build, With Pure Rotary, Short U.S. Couplet, and Mitigation

Third, and last, the City directed Olmsted Plaza Associates to investigate the temporary impacts of the short term use of the Missing Link parcel as a leased parking lot. As noted previously, the lot will be used for approximately two years to generate income to be used to subsidize the renovations to the park.

3.2 Existing Traffic Operations

3.2.1 Traffic Study Area for Olmsted Plaza

Following submission of the DPIR/DEIR the traffic consultants were asked to include two additional locations in the study impact area. The expanded impact area addressed in this report is shown in Figure 3-1. As expanded for the FPIR/FEIR the traffic study area includes a total of 26 intersections, which are listed below.

<u>No.</u>	<u>Intersection</u>	<u>Date Counted</u>
1.	Park Drive at Beacon Street	4/12/89
2.	Park Drive at Riverway	4/19/89
3.	Fenway at Brookline	4/19/89
4.	Park Drive/Brookline Avenue/Boylston Street	4/19/89
5.	Brookline Avenue at Longwood Avenue	4/19/89
6.	Riverway at Longwood Avenue	4/12/89
7.	Kenmore Square	6/1/89
8.	Boylston Street at Park Drive	4/13/89
9.	Fenway at Avenue Louis Pasteur	4/13/89
10.	Huntington Avenue at Louis Prang & Ruggles Street	4/13/89
11.	Brookline Avenue at Fullerton Street	4/13/89, 6/6/89
12.	Riverway at Brookline Avenue	6/13/89
13.	Park Drive at Fenway (Boylston Street)	6/12/89

LIST OF INTERSECTIONS TO BE ANALYZED

1. Park Dr. at Beacon St.
2. Park Dr. at Riverway
3. Fenway at Brookline
4. Park Drive / Brookline Ave. / Boylston St.
5. Brookline Ave. at Longwood Ave.
6. Riverway at Longwood Ave.
7. Kenmore Square
8. Boylston St. at Park Dr.
9. Fenway at Avenue Louis Pasteur
10. Huntington Ave. at Louis Prang and Ruggles St.
11. Brookline Ave. at Fullerton St.
12. Riverway at Brookline Ave.
13. Park Dr. at Fenway (Boylston Ave.)
14. BU Bridge at Commonwealth Ave.
15. University Rd. at Commonwealth Ave.
16. Evansway at Fenway and Louis Prang
17. Charlesgate West at Beacon St.
18. Charlesgate East at Route 1 Off Ramp
19. Beacon St. at Maitland St. and Mountfort St.
20. Beacon St. at Miner St. and Arundel St.
21. Riverway at Fenway
22. Park Dr. at Avenue Louis Pasteur
23. Park Dr. at Site Entrance
24. Carlton at Mountfort St.
25. Boylston St. at Ipswich St.
26. Longwood Ave. at Chapel St.

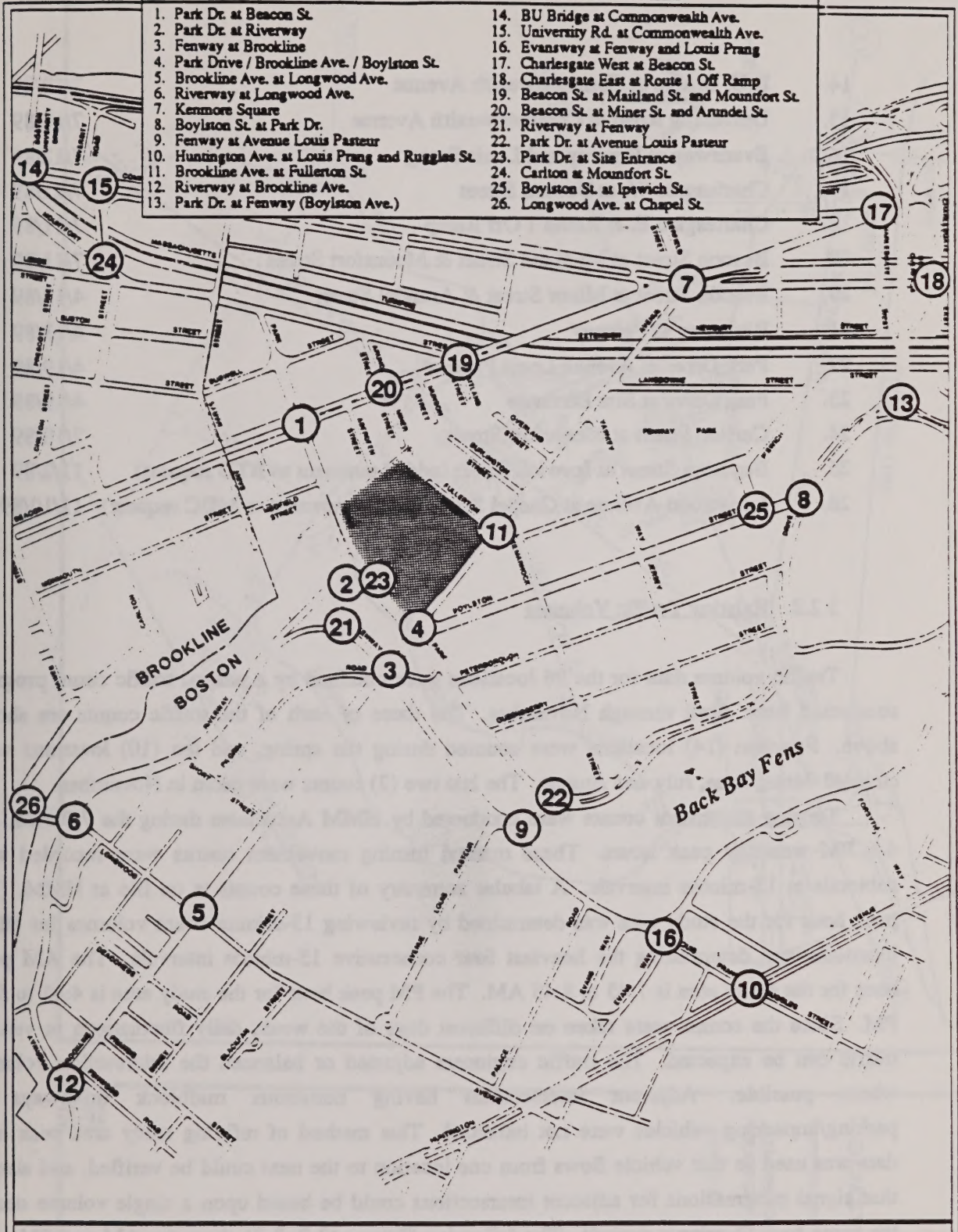


FIGURE 3-1
FINAL PROJECT IMPACT AREA

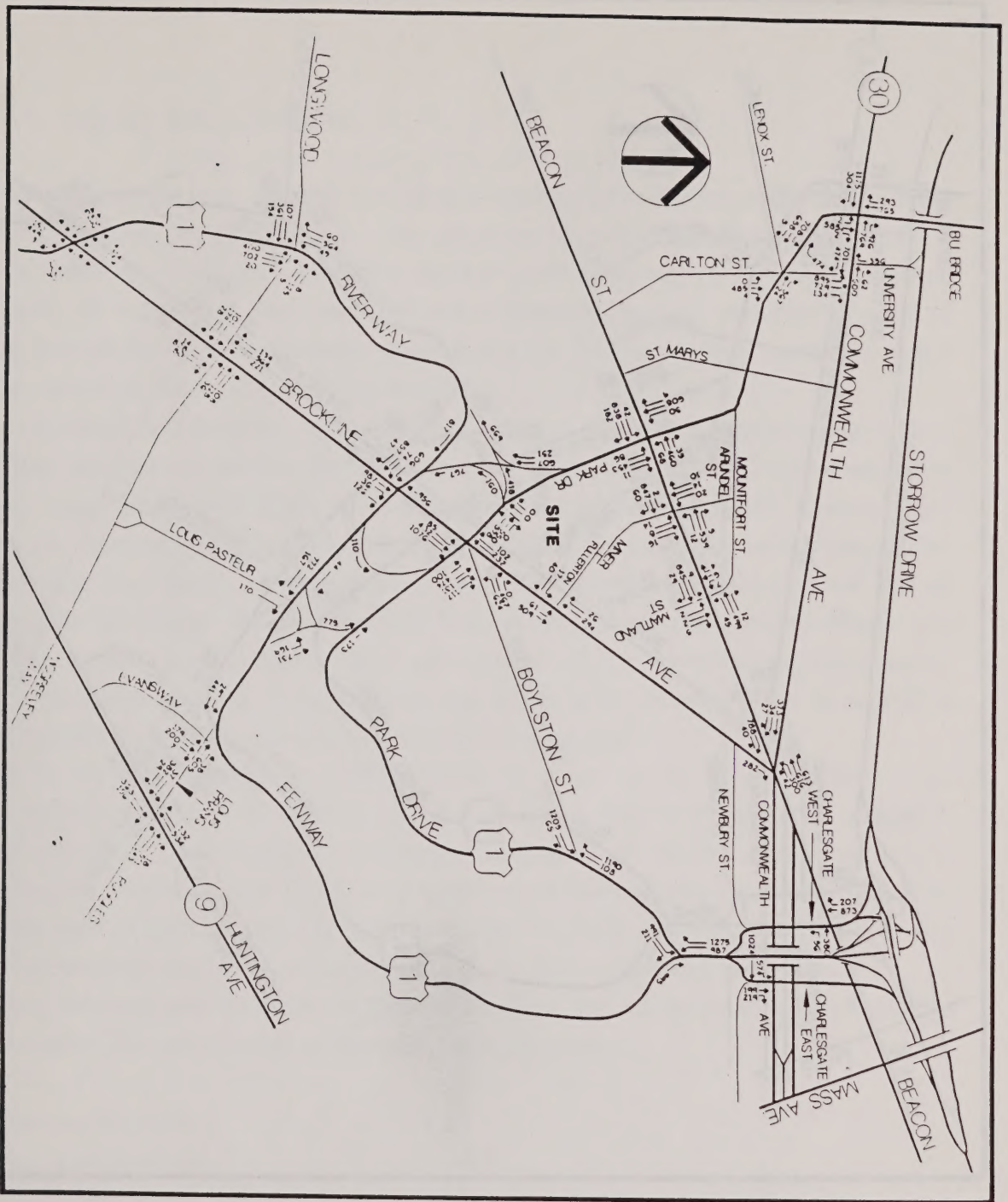


14.	B.U. Bridge at Commonwealth Avenue	7/10/89
15.	University Road at Commonwealth Avenue	7/10/89
16.	Evansway at Fenway and Louis Prang	7/12/89
17.	Charlesgate W. at Beacon Street	7/11/89
18.	Charlesgate E. at Route 1 Off Ramp	7/11/89
19.	Beacon Street at Maitland Street & Mountfort Street	7/11/89
20.	Beacon Street at Miner Street & Arundel Street	4/12/89
21.	Riverway at Fenway	4/13/89
22.	Park Drive at Avenue Louis Pasteur	4/19/89
23.	Park Drive at Site Entrance	4/19/89
24.	Carlton Street at Mountfort Street	7/10/89
25.	Boylston Street at Ipswich Street (added pursuant to BTB request)	11/2/89
26.	Longwood Avenue at Chapel Street (added pursuant to MDC request)	11/10/89

3.2.2 Existing Traffic Volumes

Traffic volume data for the 26 locations were obtained by a phased traffic count program conducted from April through November. The dates of each of the traffic counts are shown above. Fourteen (14) locations were counted during the spring, and ten (10) locations were counted during June, July and August. The last two (2) counts were taken in November.

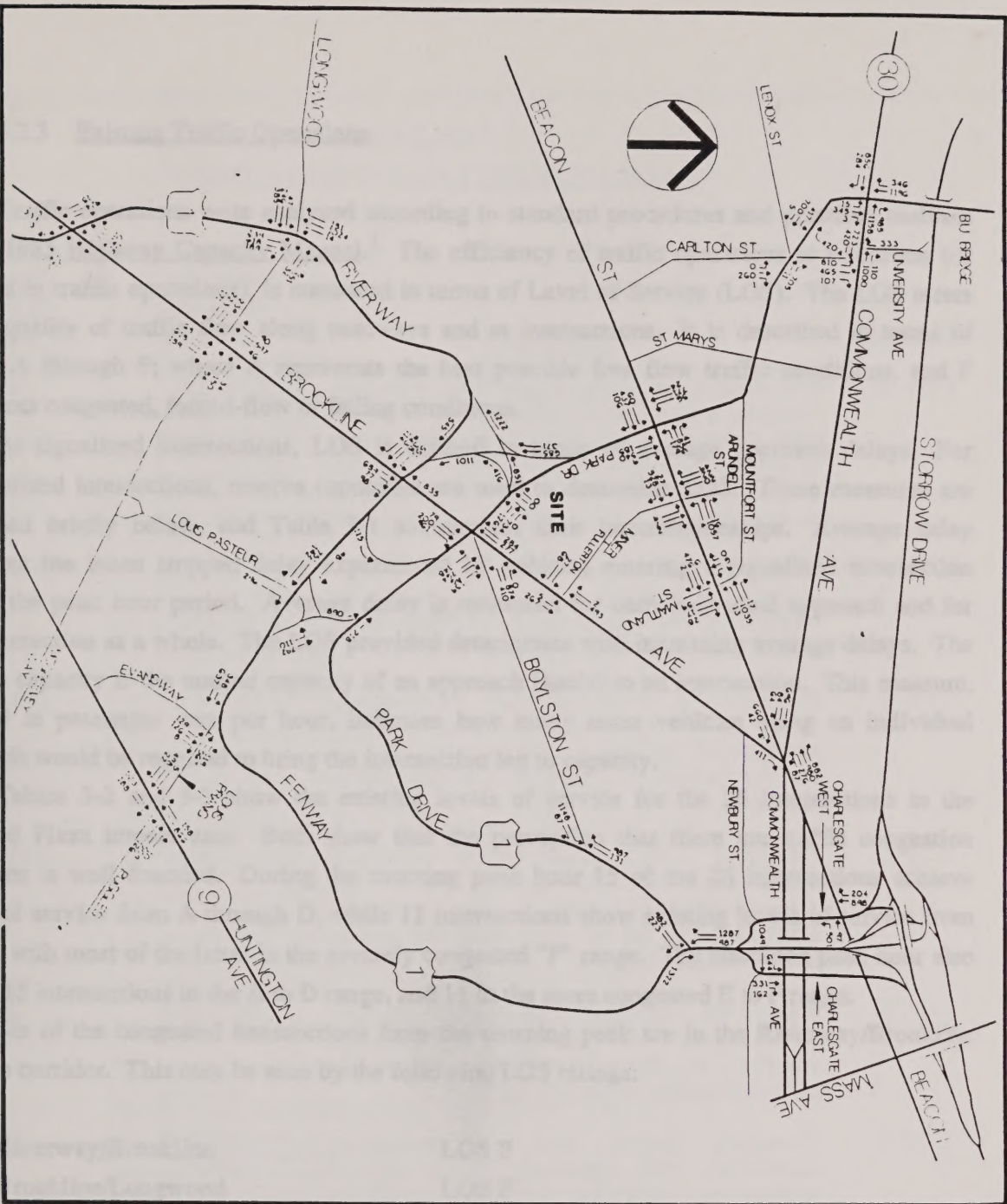
Turning movement counts were conducted by HMM Associates during the 7-9 AM, and 4-6 PM weekday peak hours. These manual turning movement counts were recorded with subtotals at 15-minute intervals. A tabular summary of these counts is on file at HMM. The peak hour for the study area was determined by reviewing 15-minute count volumes for all 26 locations, and determining the heaviest four consecutive 15-minute intervals. The AM peak hour for the study area is 7:45 to 8:45 AM. The PM peak hour for the study area is 4:45 to 5:45 PM. Since the counts were taken on different days of the week, daily fluctuations in vehicle traffic can be expected. The traffic engineers adjusted or balanced the intersection volumes where possible. Adjacent intersections having numerous midblock driveways or parking/unparking vehicles were not balanced. This method of refining study area peak hour data was used so that vehicle flows from one location to the next could be verified, and also so that signal progressions for adjacent intersections could be based upon a single volume during the same four 15-minute periods. The following Figures (3-2, 3-3) show the AM and PM peak hour traffic volume flow maps.



OLMSTED PLAZA

AM 1989 EXISTING
TRAFFIC VOLUMES

FIGURE 3-2



OLMSTED PLAZA

PM 1989 EXISTING
TRAFFIC VOLUMES

FIGURE 3-3

3.2.3 Existing Traffic Operations

Traffic operations were analyzed according to standard procedures and practices outlined in the 1985 Highway Capacity Manual.¹ The efficiency of traffic operations at a location (or changes in traffic operations), is measured in terms of Level of Service (LOS). The LOS refers to the quality of traffic flow along roadways and at intersections. It is described in terms of Levels A through F; where A represents the best possible free flow traffic conditions, and F represents congested, forced-flow or failing conditions.

At signalized intersections, LOS is defined in terms of average approach delays. For unsignalized intersections, reserve capacities are used to determine LOS. These measures are discussed briefly below, and Table 3-1 summarizes their interrelationships. Average delay measures the mean stopped delay experienced by vehicles entering a signalized intersection during the peak hour period. Average delay is measured for each individual approach and for the intersection as a whole. The LOS provided deteriorates with increasing average delays. The reserve capacity is the unused capacity of an approach lane(s) to an intersection. This measure, defined in passenger cars per hour, indicates how many more vehicles using an individual approach would be required to bring the intersection leg to capacity.

Tables 3-2 and 3-3 show the existing levels of service for the 26 intersections in the Olmsted Plaza impact area. Both show that the perception that there are traffic congestion problems is well founded. During the morning peak hour 15 of the 26 intersections achieve levels of service from A through D, while 11 intersections show existing levels of service from E to F, with most of the latter in the severely congested "F" range. The afternoon peak hour also shows 15 intersections in the A to D range, and 11 in the more congested E to F range.

Six of the congested intersections from the morning peak are in the Riverway/Brookline Avenue corridor. This may be seen by the following LOS ratings:

Riverway/Brookline	LOS F
Brookline/Longwood	LOS F
Brookline/Boylston/Park	LOS F
Riverway/Longwood	LOS F
Kenmore Square	LOS D
Boylston/Ipswich	LOS F

1. Transportation Research Board, Highway Capacity Manual, Special Report 209, 1985.

TABLE 3-1
LEVEL OF SERVICE (LOS) DESIGNATIONS*

<u>Category</u>	<u>Description</u>	<u>Delay Range** (Seconds/ Vehicle)</u>	<u>Reserve*** Capacity (Vehicles /Hour)</u>
LOS A:	Describes a condition of free flow, with low volumes and relatively high speeds. There is little or no reduction in maneuverability due to the presence of other vehicles, and drivers can maintain their desired speeds with little or no delay.	0.00-5.0	400
LOS B:	Describes a condition of stable flow, with desired operating speeds relatively unaffected, but with a slight deterioration of maneuverability within the traffic stream.	5.1-15.0	300-399
LOS C:	Describes a condition still representing stable flow, but speeds and maneuverability begin to be restricted. The general level of comfort begins to deteriorate noticeably at this level.	15.1-25.0	200-299
LOS D:	Describes a high-density traffic condition approaching unstable flow. Speeds and maneuverability become more seriously restricted, and the driver experiences a poor level of comfort.	25.1-40.0	100-199
LOS E:	Represents conditions at or near the capacity of the facility. Flow is usually unstable, and freedom to maneuver within the traffic stream becomes extremely difficult.	40.1-60.0	0-99
LOS F:	Describes forced flow or breakdown conditions with queuing along critical approaches. Operating conditions are highly unstable as characterized by erratic vehicle movements along each approach.	60.1 or greater	N/A

* Source: Transportation Research Board, Highway Capacity Manual, Special Report 209, 1985.

** Delay ranges relate to the mean stopped delay incurred by all vehicles entering the intersection and do not consider the effects of traffic signal coordination. This criteria is intended for use in the evaluation of signalized intersections.

*** Reserve capacity refers to the unused capacity of the minor approach, on a per lane basis. This criteria is limited to use in the evaluation of unsignalized intersections.

		1999 EXISTING	
SIGNALIZED INTERSECTIONS		DELAY SEC.	LOS
1. Park Dr. at Beacon St.		28.17	D
2. Park Dr. at Riverway		8.89	B
3. Fenway at Brookline		40.25	E
4. Park Dr. / Brookline Ave. / Boylston St.		156.74	F
5. Brookline Ave. at Longwood Ave.		397.55	F
6. Riverway at Longwood Ave.		228.80	F
7. Kenmore Square		28.58	D
8. Boylston St. at Park Dr.		1.43	A
9. Fenway at Avenue Louis Pasteur		UNSIG.	E
10. Huntington Ave. at Louis Prang & Ruggles St.		48.76	E
11. Brookline Ave. at Fullerton St.		UNSIG.	A
12. Riverway at Brookline Ave.		872.28	F
13. Park Dr. at Fenway (Boylston St.)		23.24	C
14. BU Bridge at Commonwealth Ave.		825.68	F
15. University Rd. at Commonwealth Ave.		115.05	F
16. Evansway at Fenway and Louis Prang		38.31	D
17. Charlesgate W. at Beacon St.		13.07	B
18. Charlesgate E. at Rte. 1 off ramp		15.88	C
19. Beacon St. at Maitland St. & Mountfort St.		UNSIG.	A
20. Beacon St. at Miner St. & Arundel St.		UNSIG.	A
21. Riverway at Fenway		UNSIG.	C
22. Park Dr. at Avenue Louis Pasteur		UNSIG.	C
23. Park Dr. at Site Entrance		2.49	A
24. Carlton St. at Mountfort St.		1000+	F
25. Boylston St. at Ipswich St.		82.52	F
26. Longwood Ave. at Chapel St.		6.79	B
UNSIGNALIZED INTERSECTIONS		RC	LOS
9. Fenway at Avenue Louis Pasteur	NB Right	519	A
	WB Left	80	E
11. Brookline Ave. at Fullerton St.	EB Left	889	A
	SB All	536	A
19. Beacon St. at Maitland St. & Mountfort St.	CLV =		A
20. Beacon St. at Miner St. & Arundel St.	CLV =		A
21. Riverway at Fenway	Merge		
22. Park Drive at Avenue Louis Pasteur	Merge		
NO. of INTERSECTIONS at LOS A,B,C,D =			15
NO. of INTERSECTIONS at LOS E,F =			11

Locations 19, 20 LOS determined by critical lane volume analysis.

3247



TABLE 3-2
AM PEAK HOUR LOS FOR EXISTING

		1989 EXISTING	
SIGNALIZED INTERSECTIONS		DELAY SEC.	LOS
1. Park Dr. at Beacon St.		79.44	F
2. Park Dr. at Riverway		8.09	B
3. Fenway at Brookline		98.78	F
4. Park Dr. / Brookline Ave. / Boylston St.		38.34	D
5. Brookline Ave. at Longwood Ave.		657.52	F
6. Riverway at Longwood Ave.		1000+	F
7. Kenmore Square		116.22	F
8. Boylston St. at Park Dr.		1.79	A
9. Fenway at Avenue Louis Pasteur		UNSIG.	C
10. Huntington Ave. at Louis Prang & Ruggles St.		32.20	D
11. Brookline Ave. at Fullerton St.		UNSIG.	A
12. Riverway at Brookline Ave.		53.15	E
13. Park Dr. at Fenway (Boylston St.)		16.00	C
14. BU Bridge at Commonwealth Ave.		902.19	F
15. University Rd. at Commonwealth Ave.		60.90	F
16. Evansway at Fenway and Louis Prang		69.57	F
17. Charlesgate W. at Beacon St.		14.07	B
18. Charlesgate E. at Rte. 1 off ramp		18.08	C
19. Beacon St. at Maitland St. & Mountfort St.		UNSIG.	A
20. Beacon St. at Miner St. & Arundel St.		UNSIG.	A
21. Riverway at Fenway		UNSIG.	C
22. Park Dr. at Avenue Louis Pasteur		UNSIG.	C
23. Park Dr. at Site Entrance		3.83	A
24. Carlton St. at Mountfort St.		1000+	F
25. Boylston St. at Ipswich St.		10.07	B
26. Longwood Ave. at Chapel St.		12.71	B
UNSIGNALIZED INTERSECTIONS		RC	LOS
9. Fenway at Avenue Louis Pasteur	NB Right	460	A
	WB Left	220	C
11. Brookline Ave. at Fullerton St.	EB Left	693	A
	SB All	420	A
19. Beacon St. at Maitland St. & Mountfort St.	CLV =		A
20. Beacon St. at Miner St. & Arundel St.	CLV =		A
21. Riverway at Fenway	Merge		
22. Park Drive at Avenue Louis Pasteur	Merge		
NO. of INTERSECTIONS at LOS A,B,C,D =			16
NO. of INTERSECTIONS at LOS E,F =			10

Locations 19, 20 LOS determined
by critical lane volume analysis.

3247

TABLE 3-3
PM PEAK HOUR LOS FOR EXISTING



The congestion at these locations has been well documented in the previous studies of LMA traffic. The congestion reflects combined demands of those traveling to local activities, those that live in the nearby residential neighborhoods, and those commuting through the area to Kenmore Square and points north (Cambridge) and east (Back Bay and downtown Boston).

Additional congested intersections south of the project site are:

Fenway/Louis Pasteur	LOS E
Fenway/Evansway/Louis Prang	LOS D
Huntington/Louis Prang/Ruggles	LOS E

The congestion at these locations most probably represents a combination of LMA commuting, overflow from both the Brookline Avenue and Huntington Avenue corridors, and travel by Fenway residents.

Three more of the intersections with severe traffic congestion problems lie to the northwest. These are:

BU Bridge at Commonwealth	LOS F
Commonwealth/University	LOS F
Carlton at Mountfort Street	LOS F

The congestion at these locations reflects the conflicts between the heavy east-west demands on Commonwealth Avenue and the north-south movements between Cambridge and Boston. The absence of a connection to Storrow Drive at this location forces all southbound traffic from Cambridge to cross Commonwealth Avenue twice, before merging onto Storrow Drive eastbound.

During the afternoon peak hour one more intersection, Beacon/Park Drive (Audubon Circle), falls to LOS F, and one intersection, Boylston at Ipswich, improves to LOS B.

3.2.4 Traffic during Red Sox Events

A set of supplementary manual turning movement counts was also taken at the following seven intersections during Red Sox evening home games to analyze the cumulative impact of event traffic with commuter traffic adjacent to the site:

1. Park Drive at the Riverway
2. Brookline Avenue at the Fenway
3. Park Drive at Brookline Avenue at Boylston Street
4. Brookline Avenue at Fullerton Street
5. Kenmore Square
6. Brookline Avenue at the Riverway
7. Park Drive at the Fenway (Bowker Overpass)

These manual turning movement counts were taken during the evening peak period on August 3, and August 30, 1989. These counts are also on file at HMM.

A graph of the 15-minute volumes vs. the time of day for average PM peak hour, and PM game day counts is shown in Figure 3-4. This graph shows that the typical weekday PM peak hour for 7 locations is from 4:45 to 5:45 PM. The heaviest 15 minute period was from 5:00 to 5:15 PM, with a total of 5947 vehicles entering these 7 locations. The "PM game day" conditions show the PM peak hour is from 5:30 to 6:30 PM; and the heaviest 15-minute period was from 5:45 to 6:00 p.m., with a total of 5928 vehicles entering these 7 locations. The 15-minute volumes show that during a Red Sox event the typical PM peak is extended, and lasts 90 minutes (5:00 PM to 6:30 PM) but shows no spike or second peak in traffic. The game start time was 7:35 PM, and the traffic counts show a marked decline in 15-minute volumes by 7:00 PM. No further counts were taken beyond 7:00 PM. This pattern is typical for urbanized intersections operating at or near capacity. The event traffic does not show higher peak hour volumes, but the event does create an extended peak hour which can last up to 90 minutes.

The Olmsted Plaza site trips are assumed to coincide with the adjacent peak hour, which is 4:45 to 5:45 PM, with the majority of the trips outbound from the site. The trips to Fenway Park will occur between 5:30 and 7:00 PM, and almost all of these trips will be inbound to the park. Based upon field observations it is likely that the Fenway Park trips will load the Storrow Drive exit ramps to capacity. The Olmsted Plaza site trips will occur earlier in the PM peak, and will not load the same ramps that experience event traffic. It is also noted that the PM game day volumes are the same as the PM typical weekday volumes. For these reasons the impact of Olmsted Plaza off-peak traffic on the surrounding street system have not been further analyzed.

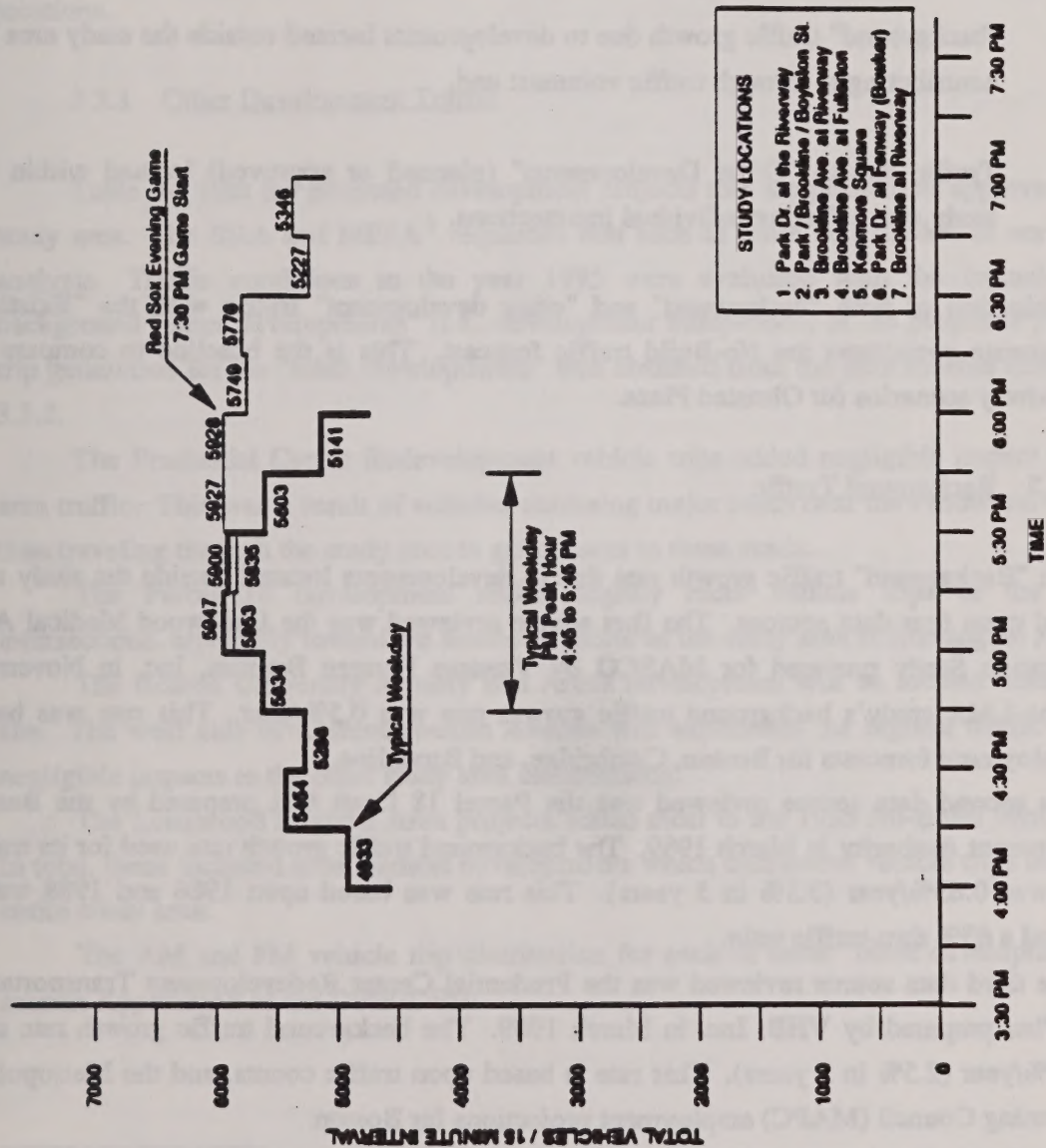


FIGURE 3-4
TOTAL 15 MINUTE VOLUME ENTERING 7 STUDY AREA INTERSECTIONS FOR
TYPICAL WEEKDAY 7 RED SOX EVENING GAME CONDITIONS

3.3 No-Build Conditions

3.3.1 Design Year

The design year studied in this report is 1995. Forecasts of vehicular traffic for this design year take into account traffic due to two sources:

- a) "background" traffic growth due to developments located outside the study area but contributing to through traffic volumes: and,
- b) Traffic due to "Other Developments" (planned or approved) located within the study area affecting individual intersections.

The combination of both "background" and "other development" traffic with the "Existing" traffic volumes constitutes the No-Build traffic forecast. This is the baseline to compare all future roadway scenarios for Olmsted Plaza.

3.3.2 Background Traffic

The "Background" traffic growth rate due to developments located outside the study area was based upon four data sources. The first source reviewed was the Longwood Medical Area Transportation Study prepared for MASCO by Vanasse Hangen Brustlin, Inc. in November 1987. The LMA study's background traffic growth rate was 0.5%/year. This rate was based upon employment forecasts for Boston, Cambridge, and Brookline.

The second data source reviewed was the Parcel 18 Draft EIR prepared by the Boston Redevelopment Authority in March 1989. The background traffic growth rate used for its traffic analysis was 0.65%/year (3.3% in 5 years). This rate was based upon 1986 and 1988 traffic counts, and a 65% thru-traffic ratio.

The third data source reviewed was the Prudential Center Redevelopment Transportation Access Plan prepared by VHB, Inc. in March 1989. The background traffic growth rate used was 0.50%/year (2.5% in 5 years). This rate is based upon traffic counts, and the Metropolitan Area Planning Council (MAPC) employment projections for Boston.

The fourth data source reviewed was the Longwood Medical Area Transportation Study Tech Memorandum 1 (Figures 15, 16) prepared by VHB, Inc. in November 1987. The AM/PM peak hour manual counts for nine intersections taken in 1987 were compared to the AM/PM

peak hour manual counts taken by HMM in 1989. The study area traffic growth from 1987 to 1989 based upon the nine locations was -2.11%/year (-4.27% in 2 years). This drop in traffic growth is most likely due to the closure of the Sears Building in 1988. The study area traffic growth, and the peak hour volumes for each intersection are shown in Table 3-4.

After reviewing the above data sources, traffic engineers for Olmsted Plaza selected a background traffic growth rate of 0.5% per year. This rate was deemed to be reasonable, if slightly conservative. This traffic growth rate is applied to all traffic movements at all 26 study locations.

3.3.3 Other Development Traffic

Table 3-5 lists the proposed development projects that are planned or approved within the study area. The BRA and MEPA¹ requested that each of these be included in our "No-Build" analysis. Traffic conditions in the year 1995 were evaluated with the inclusion of these background "other developments" (i.e., development independent of the proposed project). The trip generation for the "other developments" was obtained from the data sources cited in Section 3.3.2.

The Prudential Center Redevelopment vehicle trips added negligible impact to the study area traffic. This was a result of vehicles accessing major roads near the Prudential center rather than traveling through the study area to gain access to these roads.

The Parcel 18 development added slightly more vehicle trips to the study area intersections, especially toward the southeast sector of the study area at Huntington Avenue.

The Boston University Armory and Arena development will be located northwest of the site. The west side of Commonwealth Avenue will experience the highest traffic impact with negligible impacts to the other study area intersections.

The Longwood Medical Area projects added most to the 1995 No-Build vehicle volumes. In total, these included nine medical developments which distributed vehicle trips throughout the entire study area.

The AM and PM vehicle trip distribution for each of these "other developments" can be seen in Appendix E of the DPIR/DEIR.

1. MEPA ENF Scoping Certificate dated May 3, 1989.

TABLE 3-4
STUDY AREA TRAFFIC GROWTH (1987 to 1989)

<u>Location</u>	<u>Peak Hour Volume (VPH)</u>			
	<u>AM¹</u> <u>1987</u>	<u>PM¹</u> <u>1987</u>	<u>AM</u> <u>1989</u>	<u>PM</u> <u>1989</u>
1. Park Drive at Boylston/Brookline	4065	4445	3847	4232
2. Brookline Ave. at the Fenway	3745	3440	3689	3345
3. Longwood Ave. at the Riverway	2940	3020	2556	3334
4. Brookline Ave. at Longwood Ave.	2485	2660	2421	2479
5. Fenway at Avenue Louis Pasteur	1770	1940	2053	2239
6. Huntington Ave. at Ruggles St.	2435	2925	2295	2779
7. Brookline Ave. at Riverway	3930	4170	3178	3474
8. Riverway - Fenway Merge	1900	1570	1584	1646
9. Fenway at Louis Prang St.	<u>1455</u>	<u>1465</u>	<u>1470</u>	<u>1586</u>
TOTALS	24,725	+ 25,635	23,039	+ 25,114
	= 50,360		= 48,207	

Growth Rate = -4.27%/2 years

= -2.11%/year

1. Source: Longwood Medical Area Transportation Study, MASCO, Tech Memorandum 1, Figures 15 and 16. Peak hour counts taken from November 1986 to April 1987.

TABLE 3-5
OTHER DEVELOPMENTS PLANNED OR APPROVED
WITHIN THE STUDY AREA

Map No.	Development Name	Proposed Land Use(s)	Expected Completion Year
1	Prudential Center Redevelopments	1,000,000 SF Office 270,000 SF Retail 300 Housing Units	1994
2	Parcel 18	771,700 SF Office 51,180 SF Retail 150 Residential Units 90,600 SF Cultural Center	1993
3	Boston University Armory and Arena	Auditorium 1200-Bed Student Housing 24 Faculty/Staff Housing Units 43,000 SF Retail 627 Parking Spaces	1991
4	Beth Israel Hospital - Emmanuel Science Building Research West	84,000 SF Research 16,000 SF Inpatient 8,000 SF Outpatient Medical Office	1994
5	Brigham and Womens Hospital	115,000 SF Research	1994
6	Children's Hospital Medical Center	142,000 SF Research	1994
7	Harvard Medical School	209,000 SF East Quad Research Facility 150 Parking Spaces Garage	1994
8	Joslin Diabetes Clinic	60,000 SF Research	1994
9	Massachusetts College of Pharmacy and Allied Health Sciences	65,000 SF Dormitory (308 Beds) 60,000 SF of Classroom	1994
10	New England Deaconess	30,000 SF Outpatient Medical Office	1994
11	MASCO Mixed Use Development	25,000 SF Research 25,000 SF Office 20,000 SF Retail 7,000 SF Child Care 525 Parking Spaces	1994
12	Beth Israel Hospital Children's Hospital	200 Parking Spaces	1994
13	Massachusetts College of Art	99,000 SF Existing Parcel (Future land use is uncertain at this time. No ENF/PNF filed as of 8-15-89.)	Post-1996

The last development in the study area, mentioned on Table 3-5, is the Massachusetts College of Art. No vehicle trips from this development were included in the 1995 No-Build volumes. The Dept. of Capital Planning Organization (DCPO) noted that they have not secured a design consultant, nor have they submitted an ENF/PNF for this parcel. The expected project completion is post 1996, therefore it was not included in our 1995 No-Build traffic forecasts.

The combined "other development" trips were distributed throughout the study area roadway network in order to evaluate the 1995 No-Build traffic impacts. The vehicle trips from the 12 developments were extended as through traffic entering and exiting the major roads near the site. The inclusion of the 0.50% growth rate with these "other" development vehicle trips results in the 1995 No-Build traffic volumes. The 1995 AM and PM No-Build traffic volumes are shown on Figures 3-5 and 3-6.

3.3.4 No-Build Levels of Service

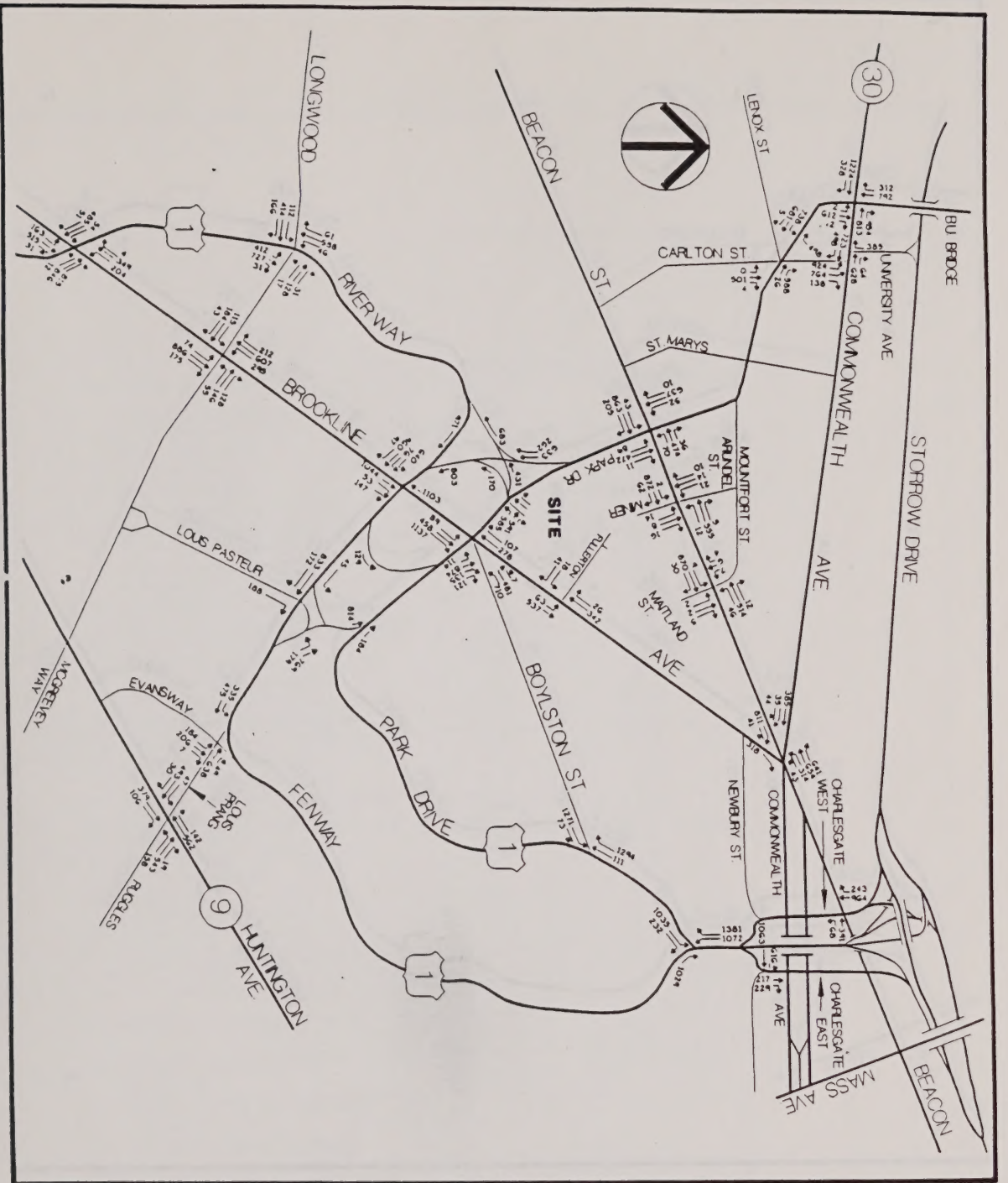
Using the AM/PM traffic volumes an analysis of peak hour traffic operations for 1995 conditions, without the Olmsted Plaza development, was conducted. The results of this analysis are presented in Tables 3-6 and 3-7.

During the 1995 No-Build AM peak hour, 14 locations operate at LOS A through D, and 12 operate at LOS E and F. During the PM peak hour, 14 locations operate at LOS A through D, and 12 operate at LOS E and F.

This represents relatively modest increases in traffic congestion from the existing case. In the AM peak hour Evans Way at Fenway and Louis Prang falls from LOS D to LOS E. The decline is due to additional LMA and Parcel 18 traffic on the Fenway and Louis Prang Street.

No other intersections fall from LOS A-D into the LOS E or F range (although a total of four intersections fall by one LOS rating level.)

In the PM peak hour five intersections drop by one LOS rating level, but, once again only one intersection drops from a LOS A-D to an LOS E-F rating. That is the major intersection at Park Drive/Brookline Ave/Boylston Street. The decline in LOS is due to additional traffic on Boylston and Park Drive.



OLMSTED PLAZA

AM 1995 NO BUILD
TRAFFIC VOLUMES

FIGURE 3-5



OLMSTED PLAZA

PM 1995 NO BUILD
TRAFFIC VOLUMES

FIGURE 3-6

	1989 EXISTING		1995 NO-BUILD	
SIGNALIZED INTERSECTIONS	DELAY SEC.	LOS	DELAY SEC.	LOS
1. Park Dr. at Beacon St.	26.17	D	28.83	D
2. Park Dr. at Riverway	8.89	B	8.98	B
3. Fenway at Brookline	40.25	E	86.37	F
4. Park Dr. / Brookline Ave. / Boylston St.	158.74	F	245.73	F
5. Brookline Ave. at Longwood Ave.	397.56	F	1000+	F
6. Riverway at Longwood Ave.	228.80	F	1000+	F
7. Kenmore Square	28.58	D	33.24	D
8. Boylston St. at Park Dr.	1.43	A	1.49	A
9. Fenway at Avenue Louis Pasteur	UNSIG.	E	UNSIG.	E
10. Huntington Ave. at Louis Prang & Ruggles St.	48.78	E	1000+	F
11. Brookline Ave. at Fullerton St.	UNSIG.	A	UNSIG.	A
12. Riverway at Brookline Ave.	872.28	F	1000+	F
13. Park Dr. at Fenway (Boylston St.)	23.24	C	35.47	D
14. BU Bridge at Commonwealth Ave.	825.68	F	920.83	F
15. University Rd. at Commonwealth Ave.	115.05	F	135.57	F
16. Evansway at Fenway and Louis Prang	38.31	D	55.42	E
17. Charlesgate W. at Beacon St.	13.07	B	14.27	B
18. Charlesgate E. at Rte. 1 off ramp	15.68	C	18.78	C
19. Beacon St. at Maitland St. & Mountfort St.	UNSIG.	A	UNSIG.	A
20. Beacon St. at Miner St. & Arundel St.	UNSIG.	A	UNSIG.	A
21. Riverway at Fenway	UNSIG.	C	UNSIG.	C
22. Park Dr. at Avenue Louis Pasteur	UNSIG.	C	UNSIG.	C
23. Park Dr. at Site Entrance	2.49	A	2.52	A
24. Carlton St. at Mountfort St.	1000+	F	1000+	F
25. Boylston St. at Ipswich St.	82.52	F	1000+	F
26. Longwood Ave. at Chapel St.	8.79	B	7.03	B
UNSIGNALIZED INTERSECTIONS	RC	LOS	RC	LOS
9. Fenway at Avenue Louis Pasteur NB Right	519	A	487	A
WB Left	80	E	50	E
11. Brookline Ave. at Fullerton St. EB Left	889	A	841	A
SB All	536	A	468	A
19. Beacon St. at Maitland St. & Mountfort St. CLV =		A	565	A
20. Beacon St. at Miner St. & Arundel St. CLV =		A	586	A
21. Riverway at Fenway Merge				
22. Park Drive at Avenue Louis Pasteur Merge				
NO. of INTERSECTIONS at LOS A,B,C,D =		15		14
NO. of INTERSECTIONS at LOS E,F =		11		12

Locations 19, 20 LOS determined
by critical lane volume analysis.

3247



TABLE 3-6
AM PEAK HOUR LOS FOR EXISTING, NO-BUILD

	1989 EXISTING		1995 NO-BUILD	
SIGNALIZED INTERSECTIONS	DELAY SEC.	LOS	DELAY SEC.	LOS
1. Park Dr. at Beacon St.	79.44	F	108.73	F
2. Park Dr. at Riverway	8.09	B	10.28	B
3. Fenway at Brookline	96.78	F	148.60	F
4. Park Dr. / Brookline Ave. / Boylston St.	38.34	D	52.00	E
5. Brookline Ave. at Longwood Ave.	657.52	F	1000+	F
6. Riverway at Longwood Ave.	1000+	F	1000+	F
7. Kenmore Square	118.22	F	140.11	F
8. Boylston St. at Park Dr.	1.79	A	1.92	A
9. Fenway at Avenue Louis Pasteur	UNSIG.	C	UNSIG.	D
10. Huntington Ave. at Louis Prang & Ruggles St.	32.20	D	531.89	F
11. Brookline Ave. at Fullerton St.	UNSIG.	A	UNSIG.	B
12. Riverway at Brookline Ave.	53.15	E	104.40	F
13. Park Dr. at Fenway (Boylston St.)	18.00	C	33.78	D
14. BU Bridge at Commonwealth Ave.	902.19	F	1000+	F
15. University Rd. at Commonwealth Ave.	80.90	F	68.19	F
16. Evansway at Fenway and Louis Prang	69.57	F	104.17	F
17. Charlesgate W. at Beacon St.	14.07	B	17.45	C
18. Charlesgate E. at Rte. 1 off ramp	18.08	C	20.11	C
19. Beacon St. at Maitland St. & Mountfort St.	UNSIG.	A	UNSIG.	A
20. Beacon St. at Miner St. & Arundel St.	UNSIG.	A	UNSIG.	A
21. Riverway at Fenway	UNSIG.	C	UNSIG.	C
22. Park Dr. at Avenue Louis Pasteur	UNSIG.	C	UNSIG.	C
23. Park Dr. at Site Entrance	3.83	A	3.97	A
24. Carlton St. at Mountfort St.	1000+	F	1000+	F
25. Boylston St. at Ipswich St.	10.07	B	11.51	B
26. Longwood Ave. at Chapel St.	12.71	B	14.74	B
UNSIGNALIZED INTERSECTIONS	RC	LOS	RC	LOS
9. Fenway at Avenue Louis Pasteur NB Right	480	A	424	A
WB Left	220	C	171	D
11. Brookline Ave. at Fullerton St. EB Left	683	A	663	A
SB All	420	A	376	B
19. Beacon St. at Maitland St. & Mountfort St. CLV =		A	722	A
20. Beacon St. at Miner St. & Arundel St. CLV =		A	741	A
21. Riverway at Fenway Merge				
22. Park Drive at Avenue Louis Pasteur Merge				
NO. of INTERSECTIONS at LOS A,B,C,D =	16		14	
NO. of INTERSECTIONS at LOS E,F =	10		12	

Locations 19, 20 LOS determined
by critical lane volume analysis.

3247

TABLE 3-7
PM PEAK HOUR LOS FOR EXISTING; NO-BUILD



3.4 Olmsted Plaza Project Traffic

3.4.1 Project Trip Generation

The DPIR/DEIR contains a detailed description of the process followed to estimate project-related trip generation. There have been no changes made to those original calculations. The AM and PM peak hour person trips, vehicle trips, automobile occupancy factors, and the travel mode splits remain identical to those reported in the DPIR/DEIR. The following pair of tables are taken directly from the earlier report. Table 3-8 presents the weekday AM and PM peak hour person trips and vehicle trips for the project, and Table 3-9 provides a parallel set of trip generation numbers for a Saturday case. The former is based upon the project design concept which includes an office building as the Brookline Avenue component of the project. As noted earlier in this report this is the current configuration of the project. In the latter case the weekend trip generation table is based upon the assumption that a hotel, rather than the office building, is constructed at Brookline Avenue. While this option is no longer likely it was used for the weekend case because a hotel scenario generates more traffic on the weekend, therefore, this is a conservative assumption from a traffic generation standpoint.

A DEVELO- PMENT	B AREA (S.F.)	C PEAK HOUR TRIP RATE						D PEAK HOUR PERSON TRIP						E AUTO MODE SPLIT	F PHOUR AUTO OCCU.	G PHOUR (ALL MODES) VEHICLE TRIPS						
		AM			PM			AM			PM					AM		PM				
		IN	OUT		IN	OUT		IN	OUT		IN	OUT				IN	OUT	IN	OUT	IN	OUT	
SEARS BUILDING																						
B-HEALTH CLUB	31,708 EMP.	0.2	0		0.1	0.1		6	0		3	3		56%	1.3	3	0	1	1			
	OTHER	1.65	0.45		1	1.5		52	14		32	48		20%	1.6	7	2	4	6			
1-RETAIL	60,880 EMP.	0.3	0.1		0.3	0.6		18	6		18	37		25%	1.3	4	1	4	7			
	OTHER	0	0.1		0.8	1.6		0	6		49	97		20%	1.6	0	1	6	12			
2-B OFFICE	168,687 EMP.	1.7	0.02		0.25	1.5		287	3		42	253		56%	1.3	124	1	18	109			
	OTHER	0.05	0.24		0.05	0.06		8	40		8	10		56%	1.6	3	14	3	4			
2-B R & D	523,817 EMP.	1.2	0		0.04	1		629	0		21	524		56%	1.3	271	0	9	226			
	OTHER	0.1	0.14		0.15	0.07		52	73		79	37		56%	1.6	18	26	28	13			
2-CLINICAL MED. OFFICE	158,540 EMP.	0.5	0.1		0.1	1.5		79	16		16	238		56%	1.3	34	7	7	102			
	OTHER	0.1	0.1		0.7	1.1		16	16		111	174		30%	1.6	3	3	21	33			
PARK DRIVE OFFICE	227,000 EMP.	1.7	0.02		0.25	1.5		386	5		57	341		56%	1.3	166	2	24	147			
	OTHER	0.05	0.24		0.05	0.06		11	54		11	14		56%	1.6	4	19	4	5			
BROOKLINE AVE. OFFICE (OPTIONAL)	309,000 EMP.	1.7	0.02		0.25	1.5		525	6		77	464		56%	1.3	226	3	33	200			
	OTHER	0.05	0.24		0.05	0.06		15	74		15	19		56%	1.6	5	26	5	6			
BROOKLINE AVE. HOTEL	0 ROOMS																					
	EMP.	0.1	0		0	0.03		0	0		0	0		25%	1.3	0	0	0	0			
		0.47	0.29		0.46	0.36		0	0		0	0		80%	1.6	0	0	0	0			
DAY CARE	10,147 EMP.	0.4	0		0	0.4		4	0		0	4		56%	1.3	2	0	0	2			
	OTHER	6.1	4.85		5.2	5.4		62	49		53	55		56%	1.6	22	17	18	19			
TOTALS								1696.3	290.63		489.4	1910.7				711.3	98.87	152	732.4			

TABLE 3-8
TRIP GENERATION TABLE
OPTION A WITH BROOKLINE AVENUE OFFICE BUILDING

TABLE 3-9
SATURDAY TRIP GENERATION TABLE
OPTION B- WITH BROOKLINE AVENUE HOTEL

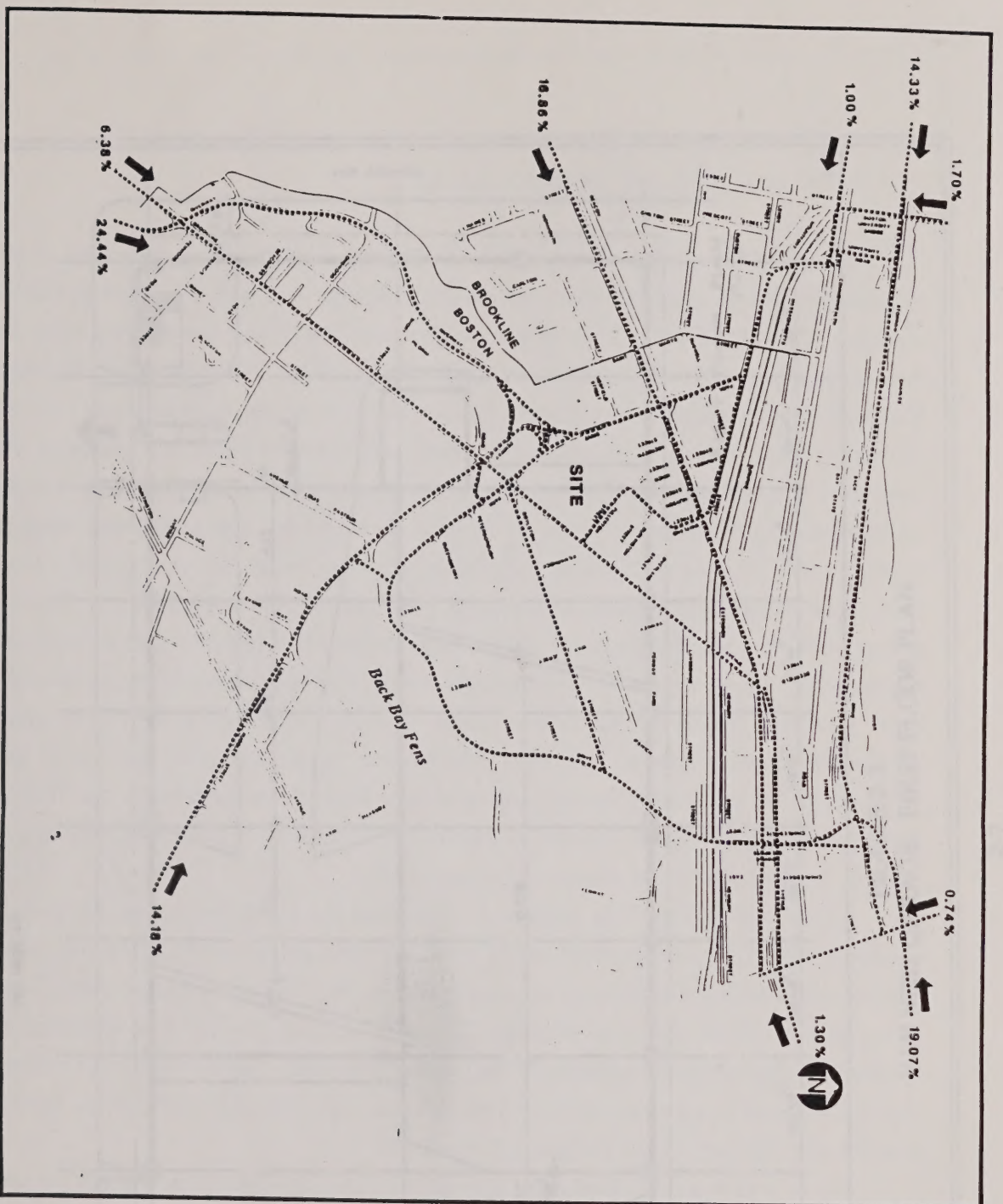
DEVELOPMENT	AREA (S.F.)	DAILY PEAK HOUR PERSON TRIP RATE						PEAK HOUR PERSON TRIP						AUTO MODE SPLIT	PMHOUR AUTO OCCU.	PMHOUR (ALL MODES) VEHICLE TRIPS							
		AM			PM			AM			PM					AM		PM		AM		PM	
		IN	OUT	IN	IN	OUT	OUT	IN	OUT	IN	IN	OUT	OUT			IN	OUT	IN	OUT	IN	OUT	IN	OUT
SEARS BUILDING																							
B-HEALTH CLUB	31,708 EMP.	0.2	0	0.1	0.1	0.1	0.1	6	0	3	3	3	3	56%	1.3	3	0	1	1	1	1		
	OTHER	0.8	0.2	0.5	0.75	0.75	0.75	25	6	16	24	24	24	20%	1.6	3	1	2	3	3	3		
1-RETAIL	60,880 EMP.	0.2	0.2	0.2	0.2	0.2	0.2	12	12	12	12	12	12	25%	1.3	2	2	2	2	2	2		
	OTHER	5.3	5.3	5.3	5.3	5.3	5.3	323	323	323	323	323	323	20%	1.6	40	40	40	40	40	40		
2-B OFFICE	169,687 EMP.	0.116	0.116	0.116	0.116	0.116	0.116	20	20	20	20	20	20	56%	1.3	8	8	8	8	8	8		
	OTHER	0	0	0	0	0	0	0	0	0	0	0	0	56%	1.6	0	0	0	0	0	0		
2-B R & D	523,817 EMP.	0.115	0.115	0.115	0.115	0.115	0.115	60	60	60	60	60	60	56%	1.3	26	26	26	26	26	26		
	OTHER	0	0	0	0	0	0	0	0	0	0	0	0	56%	1.6	0	0	0	0	0	0		
2-CLINICAL MED. OFFICE	158,540 EMP.	0.25	0.05	0.05	0.75	0.75	0.75	40	8	8	119	8	119	56%	1.3	17	3	3	3	3	51		
	OTHER	0.05	0.05	0.35	0.55	0.55	0.55	8	8	55	87	8	87	30%	1.6	1	1	10	16	16	16		
PARK DRIVE OFFICE	227,000 EMP.	0.116	0.116	0.116	0.116	0.116	0.116	26	26	26	26	26	26	56%	1.3	11	11	11	11	11	11		
	OTHER	0	0	0	0	0	0	0	0	0	0	0	0	56%	1.6	0	0	0	0	0	0		
BROOKLINE AVE. OFFICE (OPTIONAL)	0 EMP.	0.116	0.116	0.116	0.116	0.116	0.116	0	0	0	0	0	0	56%	1.3	0	0	0	0	0	0		
	OTHER	0	0	0	0	0	0	0	0	0	0	0	0	56%	1.6	0	0	0	0	0	0		
BROOKLINE AVE. HOTEL	300 ROOMS																						
	EMP.	0.03	0.03	0.03	0.03	0.03	0.03	9	9	9	9	9	9	25%	1.3	2	2	2	2	2	2		
DAY CARE	10,147 EMP.	0.22	0.22	0.22	0.22	0.22	0.22	66	66	66	66	66	66	80%	1.6	33	33	33	33	33	33		
	OTHER	0	0	0	0	0	0	0	0	0	0	0	0	56%	1.3	0	0	0	0	0	0		
TOTALS								595	538	598	749	598	749			148	129	140	140	195	195		

3.4.2 Vehicle Trip Distribution

The vehicle trip distribution also remains unchanged from the distribution shown in the DPIR/DEIR. The source of the trip distributions was the Medical Area Service Corporations (MASCO) employee home zip code listing for 23,000 employees working within the LMA. The traffic engineers collected, from the Boston Redevelopment Authority, a zip code map showing the geographic limits of each zip code boundary. The home zip codes, which represent over 400 zip codes within Massachusetts, Rhode Island, New Hampshire, and Maine were assigned the exact employee percentages computed by MASCO. Ten trip origin/destination zones were then placed on a map and the home base zip code data was shown at each entering point. The directional distributions from these travel zones are as follows:

<u>Travel Zones</u>	<u>Vehicle Trip Percentage</u>
From the Mass Pike-Allston Brighton Tolls-Storrow Dr.	14.33%
From the B.U. Bridge	1.70
From the Harvard Bridge	0.70
From I-93 and Storrow Drive	19.07
From Downtown Boston via Commonwealth Ave.	1.30
From Melnia Cass Blvd-Ruggles St.	14.18
From the Riverway south of Brookline Ave	24.44
From Brookline Ave and Huntington Ave.	6.38
From Brookline via Beacon St.	16.86
From Brookline via Commonwealth Ave.	<u>1.00</u>
Total =	100.00%

To assign the above distribution to the actual street network serving the project, the project team has made several judgments on what fractions of traffic would use the various access routes based upon AM and PM travel time runs, along with one-way, and turning lane restrictions. It should be noted that in the trip distribution process, vehicles traveling eastbound on Storrow Drive can exit onto University Road, Charlesgate West or the Bowker Overpass. For the reverse direction traffic must enter Storrow Drive from either Charlesgate East or the Bowker Overpass. The resultant vehicle trip distributions are shown on Figure 3-7.



OLMSTED PLAZA

VEHICLE TRIP DISTRIBUTION

FIGURE 3-7

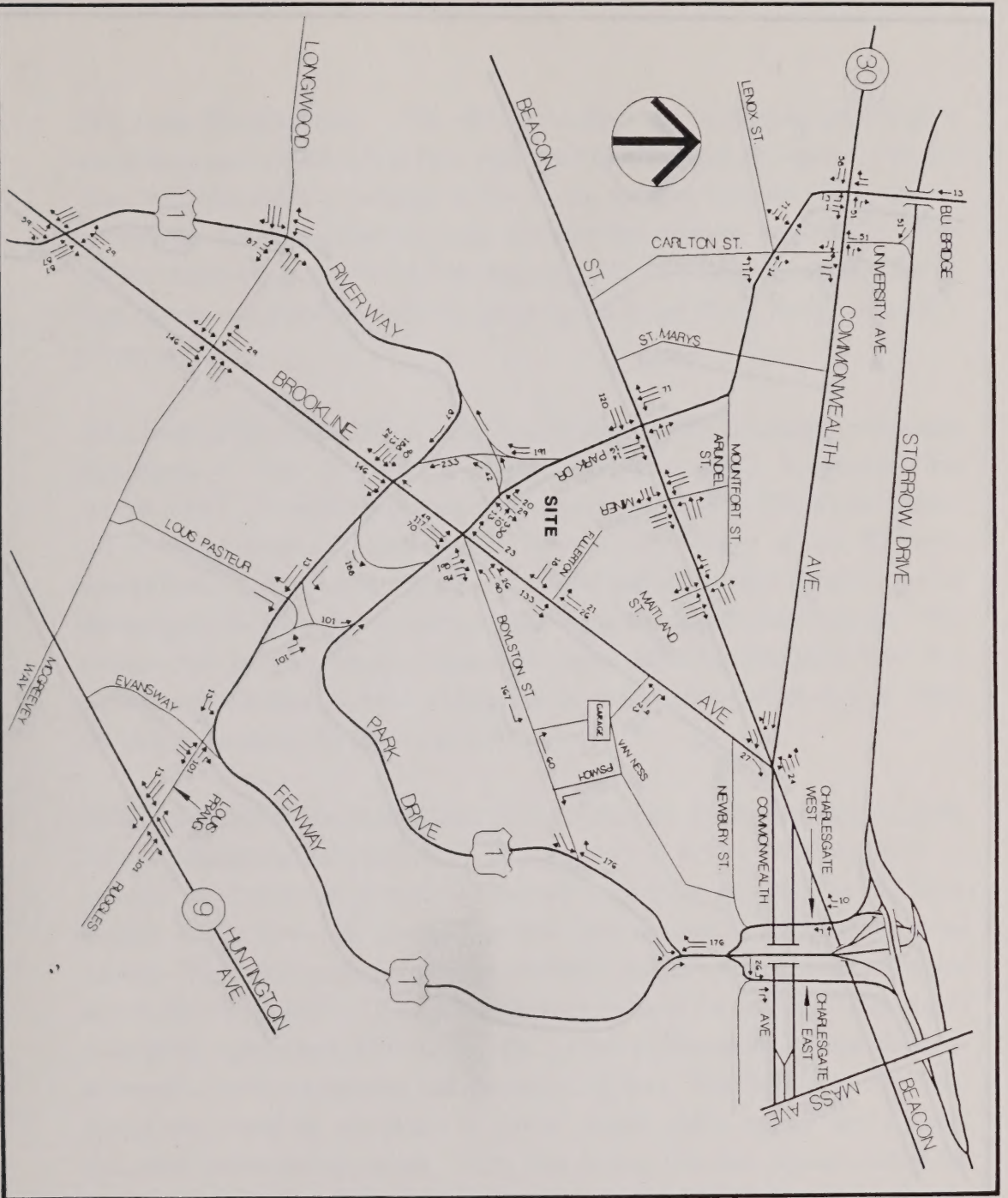
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3.4.3 Revised Traffic Network Scenarios

Since the completion of the DPIR/DEIR three sets of revisions to the original traffic analysis have been initiated. First the traffic engineers reviewed the basic circulation system studied in the DPIR/DEIR. That system included studies of both the existing street system, and the existing street system modified by the addition of the "Maitland Street Connector". The Maitland Street Connector was a design that provided the project with a "back door" route across the Green Line right of way to a connection with Beacon Street via Maitland Street. This connector was originally devised as a means for diverting traffic flow from the heavily travelled intersections on Brookline Avenue. The traffic engineers felt that an alternate route might well result in significant reductions in congestion at other locations. Accordingly a preliminary design for the diversion route, including a grade separated crossing of the Green Line, was devised and tested during the compilation of the DPIR/DEIR. Much to the surprise of the traffic engineers the fairly expensive improvement resulted in only marginal improvements to traffic flow at a few intersections, without really solving the major problems of the Brookline Avenue/Riverway corridor. From a cost/benefit standpoint the connector was deemed unjustifiable. As a result it has been dropped from further consideration in the FPIR/FEIR. The funds that would have been required to implement the connector have been reserved, instead, for more productive mitigation elsewhere in the network.

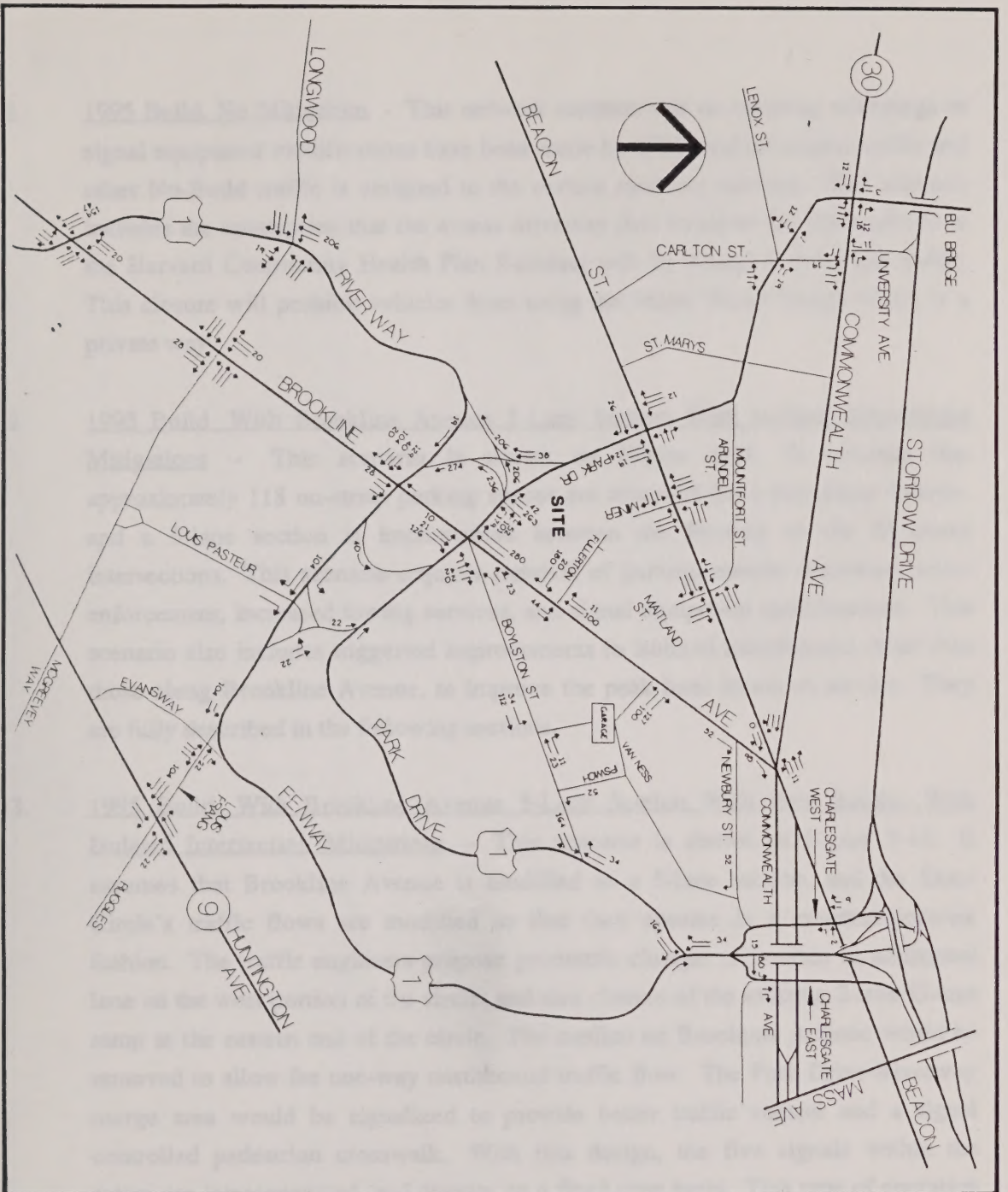
Second the split parking concept, as described previously in Section 2.1 of the report has been adopted. This concept provides for a smaller main garage on the Sears site, with a satellite garage to accommodate commuting employees on the Van Ness Street parcel being sold by Sears as part of the land sale package. The split parking concept has dispersed traffic from intersections immediately adjacent to the project site, while having very little effect on LOS at the intersections at a greater distance from the site. The resulting traffic flows for both the AM and PM site trips are shown in Figures 3-8 and 3-9.

Third, a new set of circulation systems has been developed as a result of reviewing the four circulation scenarios presented and analyzed in the DPIR/DEIR. For each of four new circulation systems revised LOS analysis has been undertaken. The four new scenarios are described below:



OLMSTED PLAZA

AM 1995
 OLMDSTED SITE TRAFFIC ONLY
 FIGURE 3-8



OLMSTED PLAZA

PM 1995
OLMSTED SITE TRAFFIC ONLY
FIGURE 3-9

1. 1995 Build, No Mitigation - This network assumes that no roadway widenings or signal equipment modifications have been made by 1995, and all project traffic and other No-Build traffic is assigned to the current roadway network. This scenario includes the assumption that the access driveway that connects the Olmsted site to the Harvard Community Health Plan Building will be closed to vehicular traffic. This closure will prohibit vehicles from using the Miner Street Bridge which is a private way.
2. 1995 Build, With Brookline Avenue 5-Lane Section With Isolated Intersection Mitigations - This scenario is shown on Figure 3-10. It assumes that approximately 118 on-street parking spaces are removed from Brookline Avenue, and a 5-lane section is implemented between the Fenway to the Riverway intersections. This scenario requires removal of parking meters, increased police enforcement, increased towing services, and signal equipment modifications. This scenario also includes suggested improvements to isolated intersections other than those along Brookline Avenue, to improve the peak hour levels of service. They are fully described in the following sections.
3. 1995 Build, With Brookline Avenue 5-Lane Section With Pure Rotary, With Isolated Intersection Mitigations - This scenario is shown on Figure 3-11. It assumes that Brookline Avenue is modified to a 5-lane section, and the Sears Circle's traffic flows are modified so that they operate in a counterclockwise fashion. The traffic engineers propose geometric changes to provide an additional lane on the west portion of the circle, and also closure of the existing 2-lane U-turn ramp at the eastern end of the circle. The median on Brookline Avenue would be removed to allow for one-way northbound traffic flow. The Park Drive-Riverway merge area would be signalized to provide better traffic control and a signal controlled pedestrian crosswalk. With this design, the five signals within the rotary are interconnected, and operate on a fixed time basis. This type of operation will process the heavier flows in a progressive fashion. It will also provide for concurrent and exclusive pedestrian phases that will not interrupt the vehicle progressions. Isolated intersection improvements outside this area are also provided in this scenario.

FIGURE 3-10
1995 BUILD WITH MITIGATION



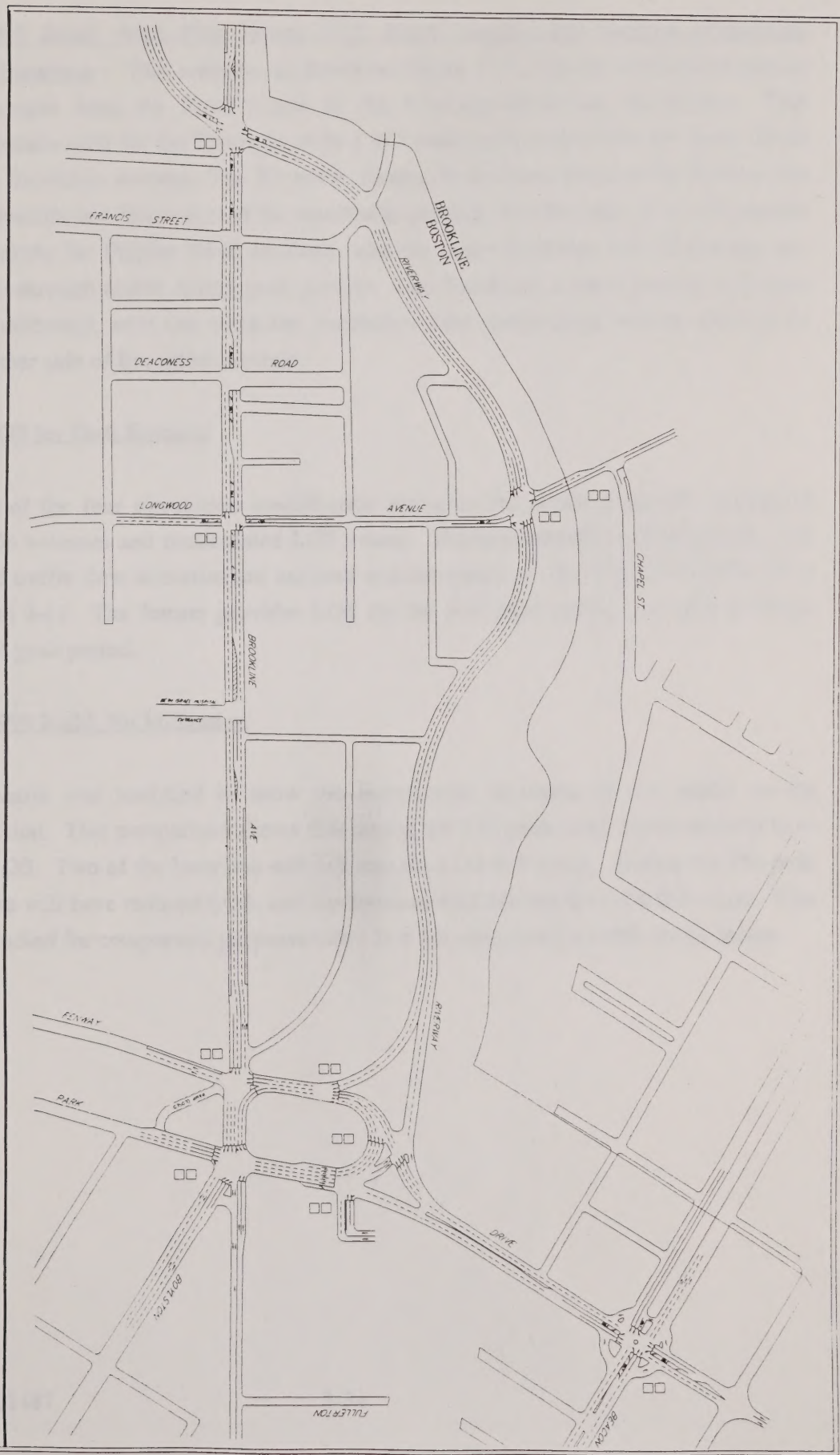


FIGURE 3-11
1995 BUILD WITH MITIGATION AND PURE ROTARY

4. 1995 Build, With Pure Rotary, U.S. Short Couplet, and Isolated Intersection Mitigations - This scenario, as shown on Figure 3-12, calls for traffic flow pattern changes from the Sears Circle to the Riverway-Brookline intersection. This scenario calls for the Riverway to be 3 to 4 lanes southbound from the Sears Circle to Brookline Avenue. The Riverway section, from Short Street to the Fenway has a northbound frontage road for residential parking. The frontage road will provide parking for Pilgrim Road residents, and the one-way design will discourage any cut-through traffic during peak periods. The Brookline Avenue section is 4 lanes northbound, with one truck-bus contraflow lane southbound, with no parking on either side of Brookline Avenue.

3.4.4 LOS for Each Scenario

For each of the four circulation modification scenarios the traffic engineers reassigned peak hour traffic volumes and recalculated LOS values. The recalculated LOS values for each of the modified traffic flow scenarios are outlined and compared to the 1995 No-Build LOS in Tables 3-10 and 3-11. The former provides LOS for the AM peak period, the latter provides LOS for the PM peak period.

Scenario 1: 1995 Build, No Mitigation

This scenario was analyzed to show the incremental increases of site traffic on the No-Build condition. This comparison shows that during the AM peak hour, 5 intersections have reductions in LOS. Two of the locations will fall into the LOS E-F range. During the PM peak hour, 5 locations will have reduced LOS, and one location will fall into the LOS E-F range. This scenario was studied for comparison purposes only. It is not considered a viable Build option.

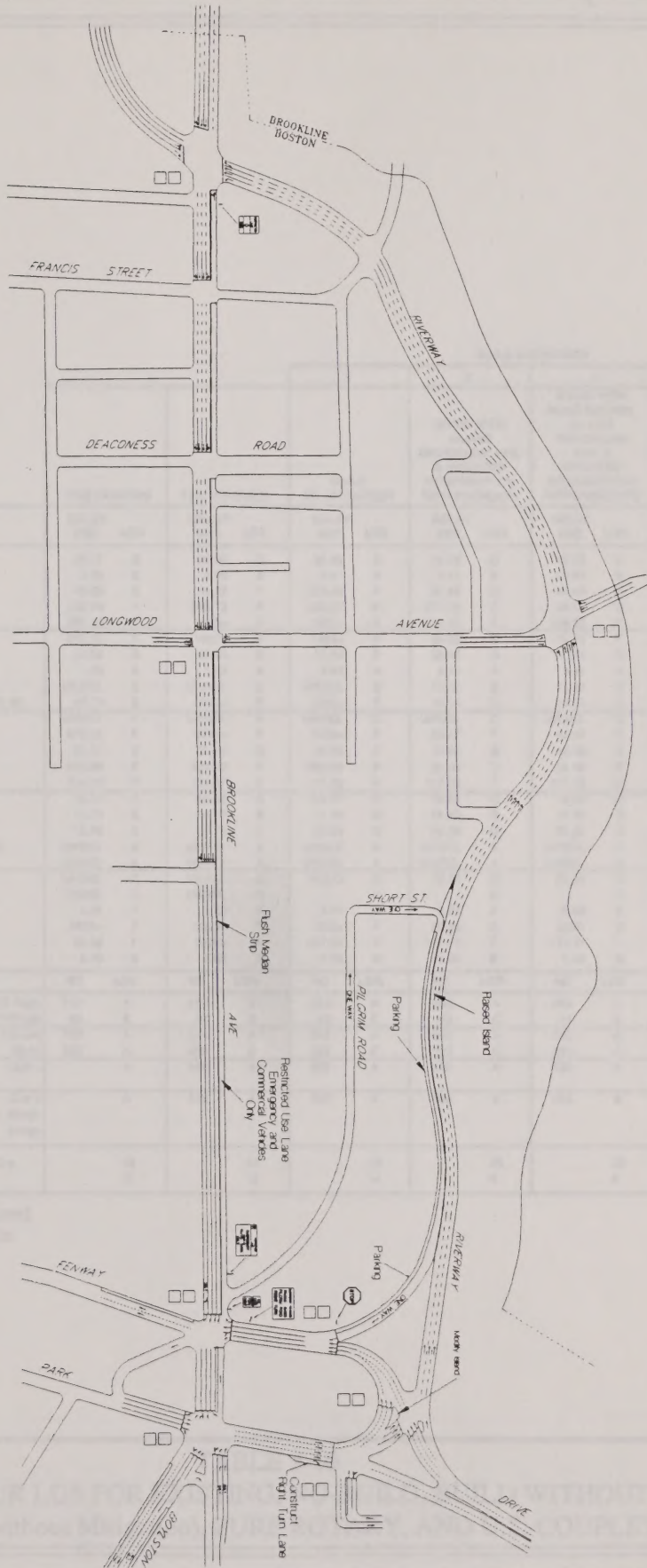


FIGURE 3-12
1995 BUILD WITH ROTARY, U.S. COUPLET, MITIGATION

		BUILD SCENARIOS											
				1		2		3		4			
		1999 EXISTING		1995 NO-BUILD		BUILD NO MITIGATION		BUILD WITH S-LANE BROOKLINE AVE. & ISOLATED INTERSECTION IMPROVEMENTS		BUILD WITH PURE ROTARY, S-LANE BROOKLINE AVE. & ISOLATED INTERSECTION IMPROVEMENTS		BUILD WITH PURE ROTARY, SHORT U.S. COUPLET & ISOLATED INTERSECTION IMPROVEMENTS	
SIGNALIZED INTERSECTIONS		DELAY SEC.	LOS	DELAY SEC.	LOS	DELAY SEC.	LOS	DELAY SEC.	LOS	DELAY SEC.	LOS	DELAY SEC.	LOS
1. Park Dr. at Beacon St.		26.17	D	29.83	D	29.83	D	18.72	C	18.72	C	18.72	C
2. Park Dr. at Riverway		8.89	B	8.96	B	9.41	B	9.41	B	14.65	B	6.73	A
3. Fenway at Brookline		40.25	E	86.37	F	273.80	F	20.65	C	45.00	E	30.96	D
4. Park Dr. / Brookline Ave. / Boylston St.		156.74	F	245.73	F	398.57	F	274.18	F	38.19	D	91.31	F
5. Brookline Ave. at Longwood Ave.		397.58	F	1000+	F	1000+	F	116.53	F	116.53	F	366.07	F
6. Riverway at Longwood Ave.		228.80	F	1000+	F	1000+	F	50.02	E	69.25	F	26.49	D
7. Kenmore Square		28.58	D	33.24	D	91.54	F	25.94	D	25.94	D	25.94	D
8. Boylston St. at Park Dr.		1.43	A	1.49	A	2.41	A	2.41	A	2.41	A	2.41	A
9. Fenway at Avenue Louis Pasteur		UNSIG.	E	UNSIG.	E	UNSIG.	E	13.39	B	13.39	B	13.39	B
10. Huntington Ave. at Louis Prang & Ruggles St.		48.76	E	1000+	F	1000+	F	15.14	C	15.14	C	11.75	B
11. Brookline Ave. at Fullerton St.		UNSIG.	A	UNSIG.	A	UNSIG.	C	UNSIG.	C	UNSIG.	C	UNSIG.	C
12. Riverway at Brookline Ave.		872.28	F	1000+	F	1000+	F	63.47	F	63.47	F	71.01	F
13. Park Dr. at Fenway (Boylston St.)		23.24	C	35.47	D	64.58	F	10.04	B	10.04	B	10.04	B
14. BU Bridge at Commonwealth Ave.		825.68	F	920.83	F	926.86	F	28.48	D	28.48	D	28.48	D
15. University Rd. at Commonwealth Ave.		115.05	F	135.57	F	141.33	F	117.33	F	117.33	F	117.33	F
16. Evansway at Fenway and Louis Prang		38.31	D	55.42	E	123.77	F	16.90	C	16.90	C	16.90	C
17. Charlesgate W. at Beacon St.		13.07	B	14.27	B	14.40	B	14.40	B	14.40	B	14.40	B
18. Charlesgate E. at Rte. 1 off ramp		15.66	C	16.76	C	29.35	D	29.35	D	29.35	D	29.35	D
19. Beacon St. at Marlboro St. & Mountfort St.		UNSIG.	A	UNSIG.	A	UNSIG.	A	UNSIG.	A	UNSIG.	A	UNSIG.	A
20. Beacon St. at Miner St. & Arundel St.		UNSIG.	A	UNSIG.	A	UNSIG.	A	UNSIG.	A	UNSIG.	A	UNSIG.	A
21. Riverway at Fenway		UNSIG.	C	UNSIG.	C	UNSIG.	C	18.78	C	21.18	C	21.18	C
22. Park Dr. at Avenue Louis Pasteur		UNSIG.	C	UNSIG.	C	C	C	C	C	C	C	C	C
23. Park Dr. at Site Entrance		2.49	A	2.52	A	2.77	A	2.77	A	5.06	B	5.54	B
24. Carlton St. at Mountfort St.		1000+	F	1000+	F	1000+	F	25.26	D	25.26	D	25.26	D
25. Boylston St. at Ipswich St.		82.52	F	1000+	F	967.87	F	171.11	F	171.11	F	171.11	F
26. Longwood Ave. at Chapel St.		6.79	B	7.03	B	7.06	B	5.38	B	5.38	B	6.11	B
UNSIGNALIZED INTERSECTIONS		RC	LOS	RC	LOS	RC	LOS	RC	LOS	RC	LOS	RC	LOS
9. Fenway at Avenue Louis Pasteur	NB Right	519	A	467	A	460	A	460	A	460	A	460	A
	WB Left	80	E	50	E	43	E	43	E	43	E	43	E
11. Brookline Ave. at Fullerton St.	EB Left	889	A	841	A	842	A	842	A	842	A	842	A
	SB All	536	A	468	A	220	C	220	C	220	C	220	C
19. Beacon St. at Marlboro St. & Mountfort St.		CLV =	A	565	A	565	A	565	A	565	A	565	A
20. Beacon St. at Miner St. & Arundel St.		CLV =	A	586	A	586	A	586	A	586	A	586	A
21. Riverway at Fenway		Merge											
22. Park Drive at Avenue Louis Pasteur		Merge											
NO. of INTERSECTIONS at LOS A,B,C,D =		15		14		12		20		20		21	
NO. of INTERSECTIONS at LOS E,F =		11		12		14		6		6		5	

Locations 19, 20 LOS determined by critical lane volume analysis.

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TABLE 3-10

AM PEAK HOUR LOS FOR EXISTING, NO-BUILD, BUILD WITHOUT MSC (with and without Mitigation), PURE ROTARY, AND U.S. COUPLET



		BUILD SCENARIOS											
		1998 EXISTING		1998 NO-BUILD		1 BUILD, NO MITIGATION		2 BUILD, WITH 1 LANE BROOKLINE AVE. & ISOLATED INTERSECTION IMPROVEMENTS		3 BUILD WITH PURE ROTARY, 5-LANE BROOKLINE AVE. & ISOLATED INTERSECTION IMPROVEMENTS		4 BUILD WITH PURE ROTARY, SHORT U.S. COUPLET & ISOLATED INTERSECTION IMPROVEMENTS	
SIGNALIZED INTERSECTIONS		DELAY SEC.	LOS	DELAY SEC.	LOS	DELAY SEC.	LOS	DELAY SEC.	LOS	DELAY SEC.	LOS	DELAY SEC.	LOS
1. Park Dr. at Beacon St.		79.44	F	108.73	F	108.73	F	21.75	C	21.75	C	21.75	C
2. Park Dr. at Riverway		8.09	B	10.26	B	11.27	B	11.27	B	17.04	C	9.85	B
3. Fenway at Brookline		98.78	F	148.80	F	383.05	F	15.54	C	25.43	D	20.46	C
4. Park Dr. / Brookline Ave. / Boylston St.		38.34	D	52.00	E	202.41	F	357.14	F	118.30	F	67.47	F
5. Brookline Ave. at Longwood Ave.		857.52	F	1000+	F	1000+	F	51.52	E	51.52	E	113.29	F
6. Riverway at Longwood Ave.		1000+	F	1000+	F	1000+	F	43.92	E	43.92	E	33.77	D
7. Kenmore Square		116.22	F	140.11	F	74.27	F	35.29	D	35.29	D	35.29	D
8. Boylston St. at Park Dr.		1.79	A	1.92	A	1.43	A	1.43	A	1.43	A	1.43	A
9. Fenway at Avenue Louis Pasteur		UNSG.	C	UNSG.	D	UNSG.	D	13.62	B	13.62	B	13.62	B
10. Huntington Ave. at Louis Prang & Ruggles St.		32.20	D	531.89	F	325.00	F	48.24	E	48.24	E	48.24	E
11. Brookline Ave. at Fullerton St.		UNSG.	A	UNSG.	B	UNSG.	D	UNSG.	D	UNSG.	D	UNSG.	D
12. Riverway at Brookline Ave.		53.15	E	104.40	F	513.61	F	69.53	F	69.53	F	16.23	C
13. Park Dr. at Fenway (Boylston St.)		16.00	C	33.78	D	72.58	F	17.60	C	17.60	C	17.60	C
14. BU Bridge at Commonwealth Ave.		902.19	F	1000+	F	857.45	F	43.51	E	43.51	E	43.51	E
15. University Rd. at Commonwealth Ave.		60.90	F	68.19	F	134.26	F	33.65	D	33.65	D	33.65	D
16. Evansway at Fenway and Louis Prang		66.57	F	104.17	F	119.74	F	12.90	B	12.90	B	12.90	B
17. Charlesgate W. at Beacon St.		14.07	B	17.45	C	20.15	C	20.15	C	20.15	C	20.15	C
18. Charlesgate E. at Rte. 1 off ramp		18.08	C	20.11	C	18.91	C	18.91	C	18.91	C	16.91	C
19. Beacon St. at Marlboro St. & Mountfort St.		UNSG.	A	UNSG.	A	UNSG.	A	UNSG.	A	A	A	A	A
20. Beacon St. at Miner St. & Arundel St.		UNSG.	A	UNSG.	A	UNSG.	A	UNSG.	A	A	A	A	A
21. Riverway at Fenway		UNSG.	C	UNSG.	C	UNSG.	C	13.34	B	14.13	B	14.13	C
22. Park Dr. at Avenue Louis Pasteur		UNSG.	C	UNSG.	C	C	C	C	C	C	C	C	C
23. Park Dr. at Site Entrance		3.83	A	3.97	A	9.13	B	9.13	B	7.70	B	14.71	B
24. Carlton St. at Mountfort St.		1000+	F	1000+	F	1000+	F	20.32	C	20.32	C	20.32	C
25. Boylston St. at Ipswich St.		10.07	B	11.51	B	21.55	C	24.27	C	24.27	C	24.27	C
26. Longwood Ave. at Chapel St.		12.71	B	14.74	B	14.76	B	12.06	B	12.06	B	11.88	B
UNSIGNALIZED INTERSECTIONS		RC	LOS	RC	LOS	RC	LOS	RC	LOS	RC	LOS	RC	LOS
9. Fenway at Avenue Louis Pasteur	NB Right	460	A	424	A	370	B	370	B	370	B	370	B
	WB Left	220	C	171	D	115	D	115	D	115	D	115	D
11. Brookline Ave. at Fullerton St.	EB Left	693	A	863	A	517	A	517	A	517	A	517	A
	SB All	420	A	378	B	199	D	199	D	199	D	199	D
19. Beacon St. at Marlboro St. & Mountfort St.	CLV =		A	722	A	722	A	722	A	722	A	722	A
20. Beacon St. at Miner St. & Arundel St.	CLV =		A	741	A	741	A	741	A	741	A	741	A
21. Riverway at Fenway	Merge												
22. Park Drive at Avenue Louis Pasteur	Merge												
NO. of INTERSECTIONS at LOS A,B,C,D =		16		14		13		20		20		22	
NO. of INTERSECTIONS at LOS E,F =		10		12		13		6		6		4	

Locations 19, 20 LOS determined by critical lane volume analysis.

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TABLE 3-11

PM PEAK HOUR LOS FOR EXISTING, NO-BUILD, BUILD WITHOUT MSC (with and without Mitigation), PURE ROTARY, AND U.S. COUPLET



Scenario 2: Build with 5-Lane Brookline Avenue Section With Isolated Intersection Mitigations

This scenario as compared to the No-Build scenario shows that during the AM peak hour 9 locations will improve in LOS, 15 will remain the same, and 2 will drop in LOS. Five of the 9 locations that improve will be raised out of the LOS E-F range. In summary there will be 20 locations operating at LOS A-D, and 6 locations operating at LOS E-F.

During the PM peak hour, 13 locations will improve in LOS, 9 will remain the same, and four will drop in LOS. Six of the 13 locations will be raised out of the LOS E-F range. In summary there will be 20 locations operating at LOS A-D, and 6 locations operating at LOS E-F conditions.

Scenario 2: Intersection Improvements

Location 1 - Park Drive at Beacon Street

This intersection is known as Audubon Circle. The mitigation here calls for adding left turn storage lanes for each approach, resignalization, new pedestrian ramps, pavement markings, signs and minor utility work (see Figure 3-13). There are two options to providing for the new left turn lanes.

- A. The first option would be to restrict peak hour parking on Park Drive, and Beacon Street. Eight spaces on northbound Park and 3 spaces on westbound Beacon would be posted "No Parking" during both peak periods. Median work for Park Drive and Beacon Street is necessary to provide for the exclusive left turn lanes. The cost of this improvement is approximately \$135,000.
- B. The second option would be to maintain all parking spaces on Park Drive and Beacon Street, and to set back the new curbline seven feet from the roadway centerline. This sidewalk work would be approximately 160 feet on northbound Park and 60 feet on westbound Beacon Street. No sidewalk work is needed on southbound Park, or eastbound Beacon Street. The cost of this work is approximately \$170,000.

LOCATION 1

FIGURE 3-13
PROPOSED MITIGATION - AUDUBON CIRCLE

Restripe & Provide
New Left Turn Lane

Install Full-Depth Pavement
for Left Turn Lane

BEACON STREET

← Parking to Remain

OPTION A:
Restrict Peak Hour Parking for 3 Spaces

OPTION B:
Provide Parking Lane for 3 Spaces

Parking to Remain →

Parking to Remain
Install Median and
Left Turn Lane

OPTION A:
Restrict PM Peak Hour Parking for 8 Spaces

OPTION B:
Provide Parking Lane for 8 Spaces

Remove Median
Install Full-Depth Left Turn Lane

PARK DRIVE
→ Parking to Remain

← Parking to Remain

IMPROVEMENTS:

- Install Median
- Install Left Turn Bays with Full-Depth Pavement
- Resignalize Intersection

Jurisdiction: BTB

1995 1995 Build
No-Build w/Mit.

AM	C	No Change
PM	F	C

COST:

Option A: \$135,000
Option B: \$170,000

Location 2 - Park Drive at the Riverway

For this option the traffic engineers propose construction of pedestrian ramps, pedestrian signal heads, signal retiming, and crosswalk pavement markings (see Figure 3-14). The cost of this work is approximately \$12,000.

As compared to the No-Build, the AM and PM LOS will remain at LOS B.

Location 3 - Fenway at Brookline Avenue

For this option the traffic engineers propose construction of pedestrian ramps, signal retiming, and new pavement markings (see Figure 3-14). The cost of this work is approximately \$15,000.

As compared to the No-Build, the AM and PM LOS will improve from LOS F to C.

Location 4 - Park Drive/Brookline Avenue/Boylston Street

At this location, the mitigation is to coldplane (mill) the existing surface, and resurface the entire intersection. This work will provide a smoother riding surface. Currently vehicles on Park Drive westbound must slow due to the irregular roadway grades. Mitigation also includes new pedestrian ramps and crosswalk markings. The signal will be retimed, and will provide for adequate pedestrian phases (see Figure 3-14). The cost for this work is approximately \$50,000.

As compared to the No-Build, the AM LOS will remain at LOS F, and the PM LOS will drop from LOS E to LOS F.

Location 5 - Brookline Avenue at Longwood Avenue

Due to the new 5-lane section the signal equipment must be reworked, new 5 section signal heads installed (see Figure 3-15), and new signs and pavement markings installed. The cost of this work is approximately \$21,000.

As compared to the No-Build, the AM LOS will improve from 1000 seconds delay to 116 seconds delay (LOS F to LOS F), and the PM LOS will drop from LOS E to LOS F.

FIGURE 3-14
PROPOSED MITIGATION - SEARS CIRCLE

LOCATIONS: 2*, 3*, 4*, 21*, 23*

IMPROVEMENTS:

- Install Pedestrian Ramps & Crosswalks
- Retime Signal/Ped Phases
- New Pavement Markings

COST: \$12,000

Jurisdiction: MDC

1995 1995 Build

No-Build w/Mt.

AM	B	No Change
PM	B	No Change

ROTARY IMPROVEMENTS:

- Interconnect All 5 Intersections

COST: \$44,000

IMPROVEMENTS:

- Install 2-Phase Traffic Signal
- Install Pedestrian Ramps & Crosswalks

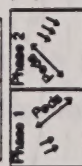
COST: \$77,000

Jurisdiction: MDC

1995 1995 Build

No-Build w/Mt.

AM	Unsig	C
PM	Unsig	B



IMPROVEMENTS:

- Update Traffic Signal
- New Pedestrian Signal Heads
- Install Pedestrian Ramps & Crosswalks

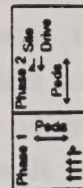
COST: \$40,000

Jurisdiction: MDC

1995 1995 Build

No-Build w/Mt.

AM	A	No Change
PM	A	B



IMPROVEMENTS:

- Construct Pedestrian Ramps
- Retime Signal/Ped. Phases
- New Pavement Markings

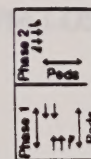
COST: \$15,000

Jurisdiction: MDC

1995 1995 Build

No-Build w/Mt.

AM	F	C
PM	F	C



IMPROVEMENTS:

- Mill/Resurface Intersection
- Install Pedestrian Ramps & Crosswalks
- Retime Signal/Ped. Phases
- Improve Pedestrian Refuge Island

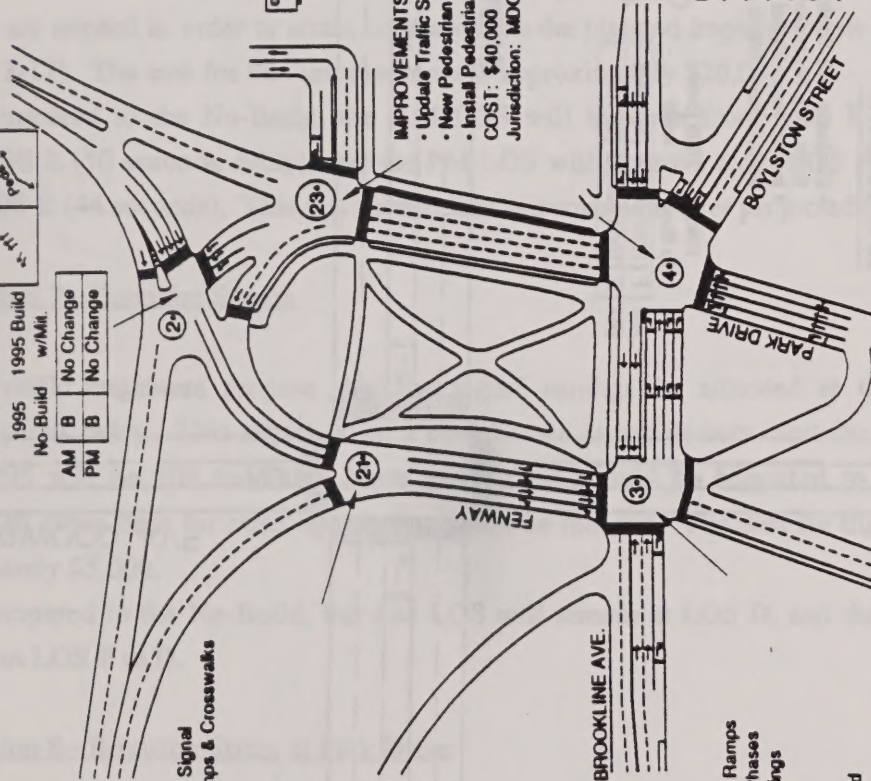
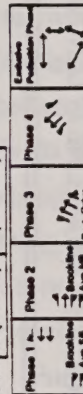
COST: \$50,000

Jurisdiction: MDC

1995 1995 Build

No-Build w/Mt.

AM	F (245 sec)	F (274 sec)
PM	E (52 sec)	F (357 sec)



LOCATION 5

FIGURE 3-15
PROPOSED MITIGATION - BROOKLINE AT LONGWOOD

IMPROVEMENTS:

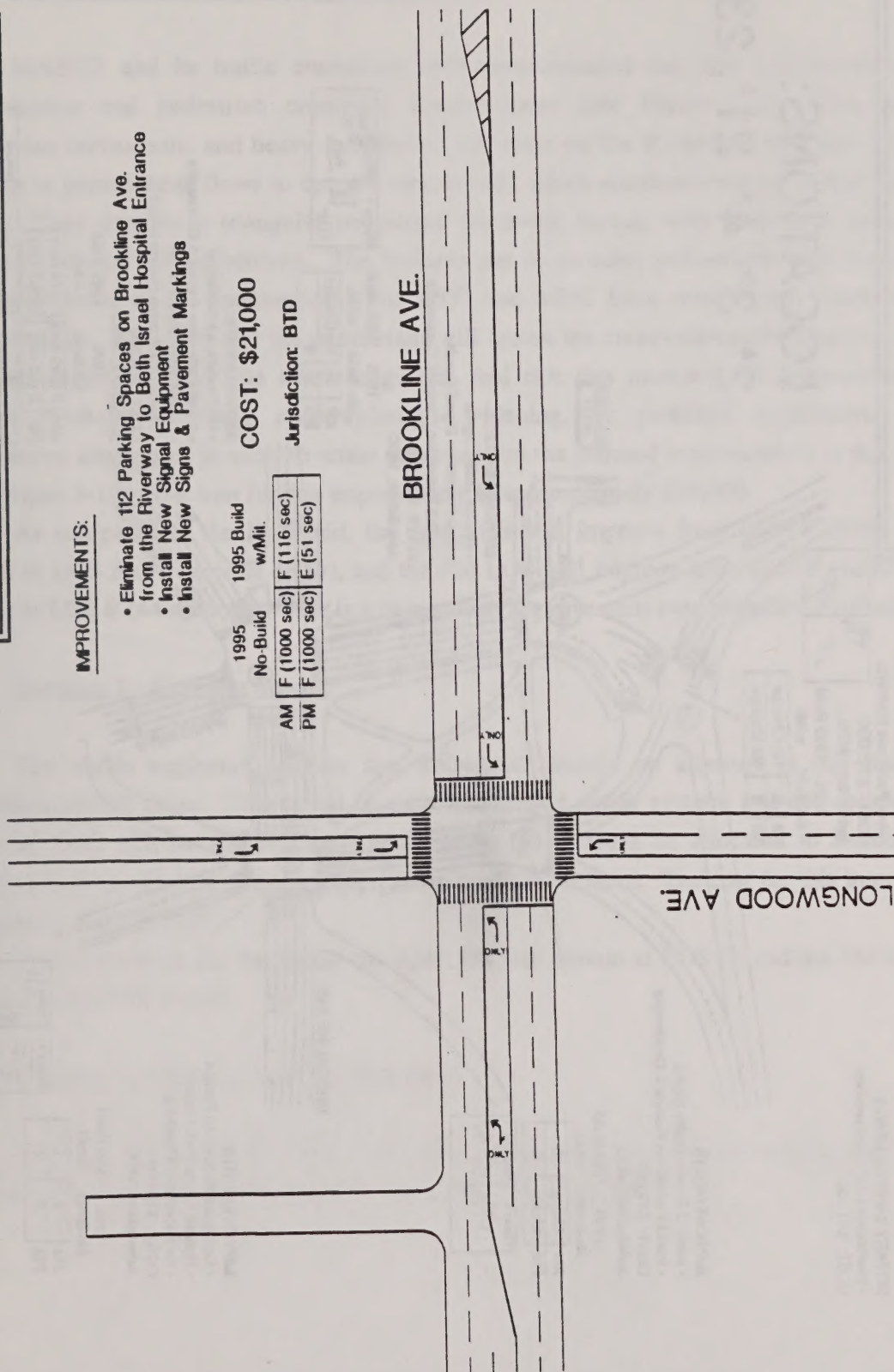
- Eliminate 112 Parking Spaces on Brookline Ave. from the Riverway to Beth Israel Hospital Entrance
- Install New Signal Equipment
- Install New Signs & Pavement Markings

COST: \$21,000

Jurisdiction: BTD

1995 No-Build 1995 Build w/Mit.

AM	F (1000 sec)	F (116 sec)
PM	F (1000 sec)	E (51 sec)



Location 6 - Riverway at Longwood Avenue

MASCO and its traffic consultant have recommended that this intersection undergo signalization and pedestrian crosswalk improvements (see Figure 3-16). Due to heavy pedestrian movements, and heavy northbound left turns on the Riverway, they have devised a scheme to permit these flows to operate concurrently which eliminates the additional pedestrian phase. They propose a triangular pedestrian crosswalk layout, with pedestrian bollards and chains to channelize pedestrians. The bollards are to prohibit pedestrians from crossing the Riverway south of the intersection. The BTD and MDC have reservations concerning this improvement. They feel that the pedestrians will ignore the crosswalk restrictions and continue on their original paths. The traffic engineers feel that this measure will improve levels of service without involving roadway/bridge widening, or parkland acquisition. Further discussions are needed in order to attain consensus on the planned improvements at this location (see Figure 3-17). The cost for this improvement is approximately \$20,000.

As compared to the No-Build, the AM LOS will improve from LOS F (1000 seconds delay) to LOS E (50 seconds delay), and the PM LOS will improve from LOS F (1000 seconds delay) to LOS E (44 seconds). This is a tremendous improvement over projected No-Build LOS.

Location 7 - Kenmore Square

The traffic engineers propose that the signal timings be adjusted at this location to minimize overall delay. This signal is on a coordinated signal system, and the optimal signal cycle in 1995 will be 104 seconds. More green time should be allocated to Beacon Street westbound, as green time for other approaches could be reduced. The cost for this improvement is approximately \$5,000.

As compared to the No-Build, the AM LOS will remain at LOS D, and the PM LOS will improve from LOS F to D.

Location 8 - Boylston Street at Park Drive

The AM and PM 1995 Build LOS will be LOS A at this location. Slight signal timing modifications will be required at a cost of approximately \$5,000.

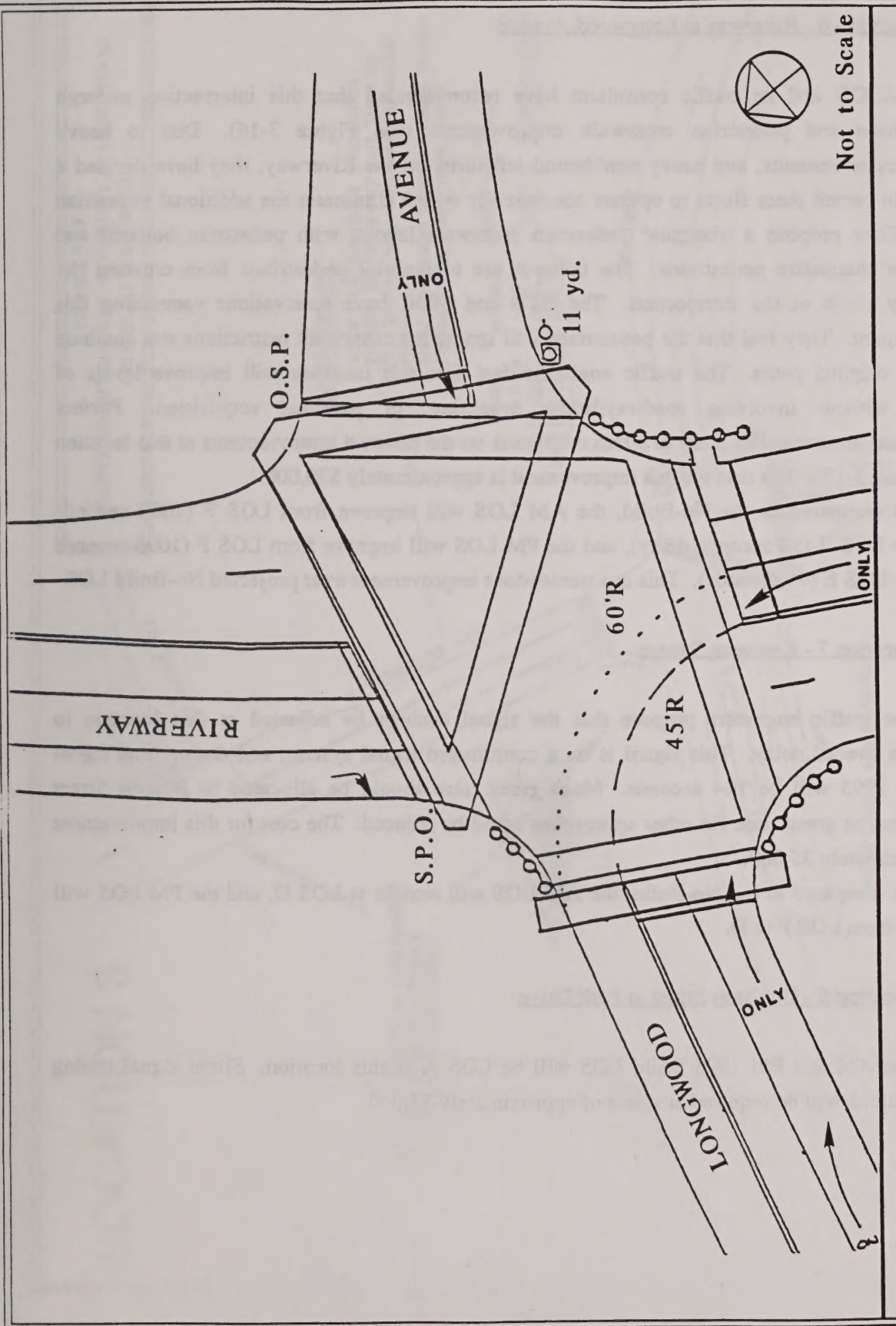


FIGURE 3-16
RECOMMENDED INTERSECTION IMPROVEMENTS BY MASCO

LOCATION 6

FIGURE 3-17

PROPOSED MITIGATION - RIVERWAY AT LONGWOOD,
CHAPEL AT LONGWOOD

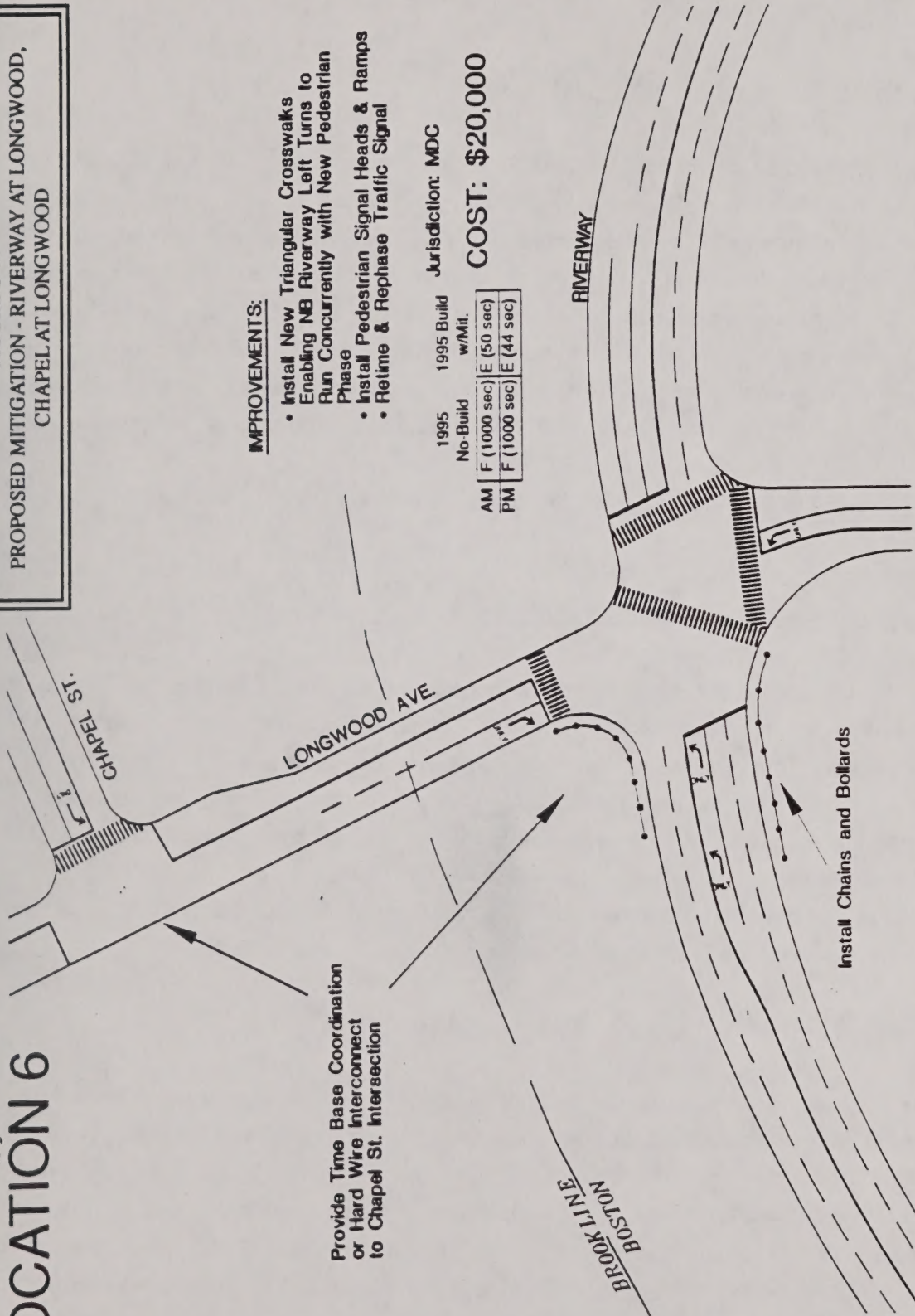
IMPROVEMENTS:

- Install New Triangular Crosswalks
- Enabling NB Riverway Left Turns to Run Concurrently with New Pedestrian Phase
- Install Pedestrian Signal Heads & Ramps
- Retime & Rephase Traffic Signal

Jurisdiction: MDC

COST: \$20,000

	1995 No-Build	1995 Build w/Mit.
AM	F (1000 sec)	E (50 sec)
PM	F (1000 sec)	E (44 sec)



Location 9 - Fenway at Avenue Louis Pasteur

The 1995 Build LOS will be LOS A/B for Louis Pasteur right turns, and LOS D/E for Fenway westbound left turns. There are 11 nationally recognized signal warrants described in the manual on uniform traffic control devices (MUTCD) published by the Federal Highway Administration. According to the MUTCD, signal warrant #11 is satisfied in 1995 (Fenway volume = 1248 vph, and Louis Pasteur volume = 309 vph). The MUTCD does not present reduction factors for the side street volume being all right turns. The traffic engineers propose that a new 2-phase signal be installed, with loop detectors, conduit, pedestrian ramps, crosswalks, and sidewalk reconstruction. The cost for this improvement is approximately \$61,000.

As compared to the No-Build LOS, the AM LOS will be LOS B/E, and the PM LOS will be B/D.

Location 10 - Huntington Avenue/Louis Prang/Ruggles Street

For this intersection the traffic engineers propose that northbound Huntington Avenue be widened about 6 feet to provide a right turn lane. Proposed improvements also provide new pavement markings, provide pedestrian ramps and sidewalks, coldplane and overlay the new right turn lane, and update the signal equipment. On eastbound Louis Prang Street the existing centerline should be relocated to provide for exclusive left and right turn lanes (see Figure 3-18). The cost of these improvements is approximately \$39,000.

As compared to the No-Build, the AM LOS will improve from LOS F to LOS C, and the PM LOS will improve from LOS F (220 seconds delay) to LOS E (48 seconds).

Location 11 - Brookline Avenue at Fullerton Street

The traffic engineers propose that the Fullerton Street approach be widened to allow for an exclusive left, and an exclusive right turn lane. According to the 11 MUTCD signal warrants this location does not warrant signalization. According to Warrant 11, when the major street volume is 900 vph (both directions), and the minor street volume exceeds 230 vph, signalization is warranted. The 1995 Build volume for Fullerton Street is only 77, and 200 vph for both peak periods. Therefore, the engineers do not recommend signalization. The roadway widening, full depth pavement, coldplaning, overlay, pedestrian ramps, crosswalks, and signing will cost approximately \$43,000.

As compared to the No-Build LOS, the AM LOS will drop from LOS A to C, and the PM LOS will drop from LOS B to D.

LOCATION 10

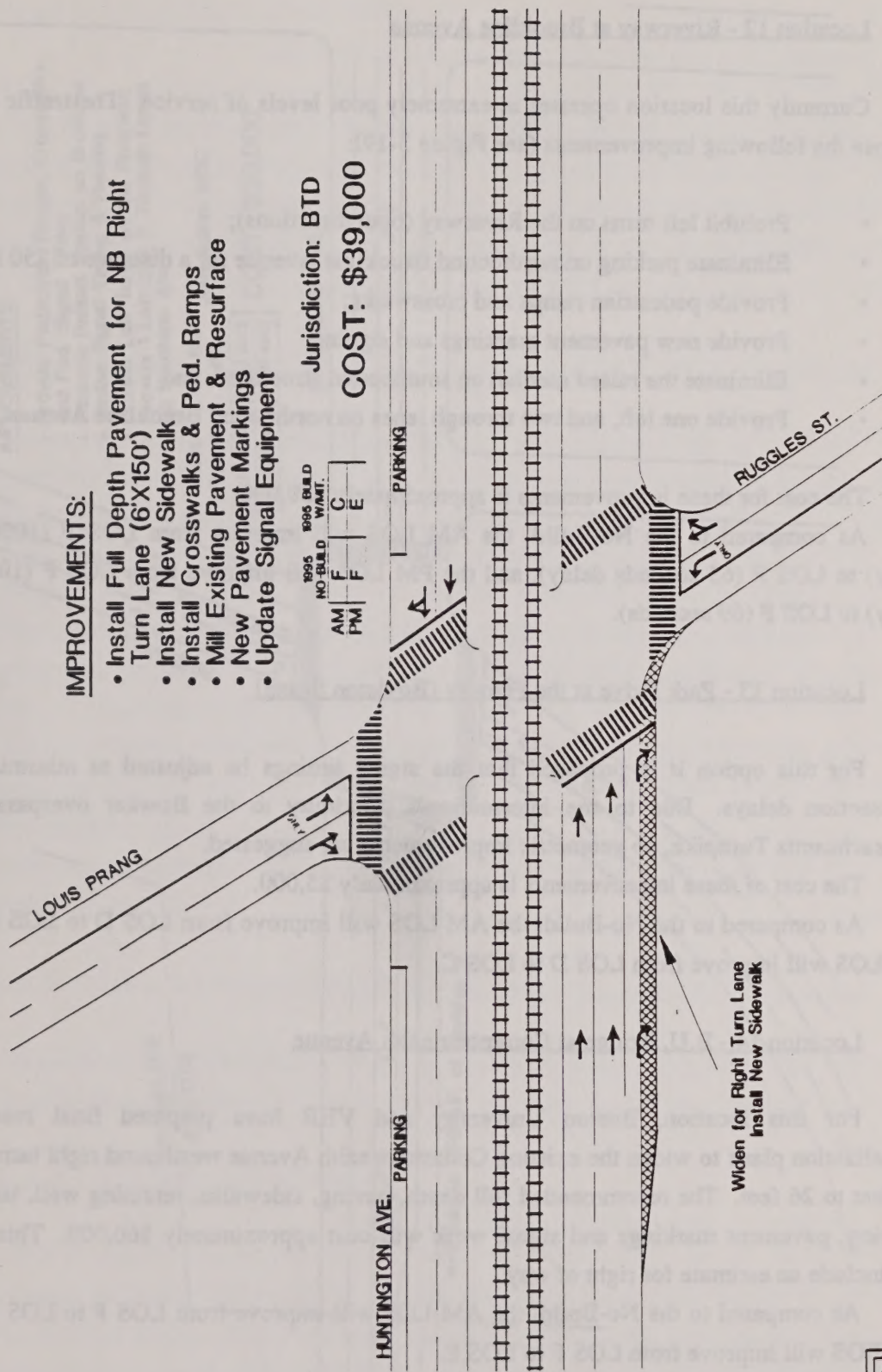
FIGURE 3-18
PROPOSED MITIGATION - HUNTINGTON AT RUGGLES
AND LOUIS PRANG

IMPROVEMENTS:

- Install Full Depth Pavement for NB Right Turn Lane (6'X150')
- Install New Sidewalk
- Install Crosswalks & Ped. Ramps
- Mill Existing Pavement & Resurface
- New Pavement Markings
- Update Signal Equipment

Jurisdiction: BTB

COST: \$39,000



Location 12 - Riverway at Brookline Avenue

Currently this location operates at extremely poor levels of service. The traffic engineers propose the following improvements (see Figure 3-19):

- Prohibit left turns on the Riverway (both directions);
- Eliminate parking on northbound Brookline Avenue for a distance of 250 feet;
- Provide pedestrian ramps and crosswalks;
- Provide new pavement markings and signing;
- Eliminate the raised median on southbound Brookline; and
- Provide one left, and two through lanes on northbound Brookline Avenue.

The cost for these improvements is approximately \$30,000.

As compared to the No-Build, the AM LOS will improve from LOS F (1000 seconds delay) to LOS F (63 seconds delay), and the PM LOS will improve from LOS F (104 seconds delay) to LOS F (69 seconds).

Location 13 - Park Drive at the Fenway (Boylston Street)

For this option it is proposed that the signal timings be adjusted to minimize overall intersection delays. Due to the intersection's proximity to the Bowker overpass, and the Massachusetts Turnpike, no geometric improvements are suggested.

The cost of these improvements is approximately \$5,000.

As compared to the No-Build, the AM LOS will improve from LOS D to LOS B, and the PM LOS will improve from LOS D to LOS C.

Location 14 - B.U. Bridge at Commonwealth Avenue

For this location, Boston University and VHB have prepared final roadway and signalization plans to widen the existing Commonwealth Avenue westbound right turn lane from 18 feet to 26 feet. The recommended full depth, paving, sidewalks, retaining wall, landscaping, curbing, pavement markings and signal work will cost approximately \$60,000. This cost does not include an estimate for right of way.

As compared to the No-Build, the AM LOS will improve from LOS F to LOS D, and the PM LOS will improve from LOS F to LOS E.

LOCATION 12

BROOKLINE
BOSTON

FIGURE 3-19
PROPOSED MITIGATION - RIVERWAY AT BROOKLINE

IMPROVEMENTS:

- Provide Pedestrian Ramps, Crosswalks and Ped Signal Timing
- Eliminate Raised Median on Brookline
- Revise Signal Timing & Phasing
- Prohibit Left Turns on the Riverway
- Provide 1 Left and 2 Through Lanes on Brookline Ave.

1995 No-Build 1995 Build w/Mit. Jurisdiction: MDC

AM	F (1000 sec)	F (63 sec)
PM	F (1000 sec)	F (69 sec)

COST: \$30,000

BROOKLINE AVE.

← Eliminate 250 L.F. of Parking →

hm

Location 15 - Commonwealth Avenue at University Road

The traffic engineers propose that this location's signal be retimed to minimize overall delays. The proposed cycle length is 109 seconds. The cost estimate for this improvement is approximately \$5,000.

As compared to the No-Build, the AM LOS will improve from LOS F (135 seconds delay) to LOS F (97 seconds), and the PM LOS will improve from LOS F to LOS D.

Location 16 - Evans Way/Fenway/Louis Prang

The signal at this intersection currently operates in a flashing mode. The traffic engineers propose that the signals operate from 7:00 AM to 7:00 PM, and return to flash mode at night. The signal should be interconnected, or a time base coordinator unit installed so that it may run with the Huntington/Ruggles controller. The approximate cost for the signal work is approximately \$5,000.

As compared to the No-Build, the AM LOS will improve from LOS F to LOS C, and the PM LOS will improve from LOS F to LOS B.

Location 17 - Charlesgate West at Beacon Street

The traffic engineers have reviewed the signal operations at this location, and the AM 1995 LOS will be LOS B, and the PM LOS will be LOS C. Therefore, no improvements are necessary.

Location 18 - Charlesgate East at U.S. Route 1 Off Ramp

The traffic engineers have reviewed the signal operations at this location, and the AM 1995 LOS will be LOS D, and the PM LOS will be LOS C. Therefore, no improvements are necessary.

Location 19 - Beacon/Maitland/Mountfort Streets

The BTM has requested a re-analysis of this location's level of service using critical lane volume techniques. The proposed AM 1995 LOS will be LOS A, and the PM LOS will be LOS A. Since the Maitland Street connector is no longer being pursued, no road improvements are needed at this location.

Location 20 - Beacon/Miner/Arundel Streets

The BTD has also requested a critical lane volume analysis for this location. The proposed LOS will be A at this location for both the AM and PM peak hours in 1995. No roadway or signal improvements are suggested. The Olmsted project will be denied access to/from Miner Street due to the closure of the driveway to Harvard Community Health Plan. Therefore the projected volumes will not change on Miner Street, and no improvements are necessary.

Location 21 - Riverway at Fenway (Merge Area)

This location is unique in that it has two arterials merging approximately 300 feet before a signalized location. Since it contains a weaving area with a signal at the end of the weaving section, it cannot be analyzed using the HCM Weaving Methodologies (Chapter 4). Field observations indicate that during the peak hour, weaving takes place only when the Fenway-Brookline Avenue signal is green. When the signal is red the queues prohibit vehicle movement. The recommended improvement for this location is to install a 2-phase signal (with concurrent pedestrian phases). This will enable drivers to merge in a platoon fashion under signal control. A crosswalk is also recommended in front of both stoplines to provide for signalized pedestrian control. This new signal is to be coordinated with all other rotary signals, and is to operate on a common signal cycle (see Figure 3-14). The cost of these improvements is approximately \$77,000.

As compared to the No-Build, the AM 1995 Build will remain at LOS C, and the PM will improve from LOS C to LOS B.

Location 22 - Park Drive at Avenue Louis Pasteur

This unsignalized location will operate at LOS C during the 1995 AM/PM peak periods. Therefore, no mitigation is suggested for this location.

Location 23 - Park Drive at Site Entrance

The traffic engineers propose that for this location the traffic signal should be updated to include new signal heads for vehicles exiting the site, and vehicles exiting the temporary parking lot in the Circle. New pedestrian signal heads, pedestrian ramps and crosswalk markings are recommended (see Figure 3-14). The cost for these improvements is approximately \$40,000.

As compared to the No-Build, the AM LOS will remain at LOS A, and the PM LOS will drop from LOS A to LOS B.

For the interim condition in 1991, when the temporary parking lot is in use, the 1991 AM LOS will be A, and the PM 1991 LOS will be B. The signal, pedestrian ramp and crosswalk improvements should be completed prior to opening the temporary lot (mid to late 1990). It is recommended that all signal equipment be placed in its final location to avoid relocation due to future driveway or curb return work at the site entrance.

Location 24 - Carlton at Mountfort Streets

The traffic engineers propose that this location's signal be retimed to minimize overall delays. The proposed cycle length is 109 seconds. The cost estimate for this improvement is approximately \$5,000.

As compared to the No-Build, the AM LOS will improve from LOS F to LOS D, and the PM LOS will improve from LOS F to LOS C.

Location 25 - Boylston Street at Ipswich Street

The traffic engineers propose that this location's signal be retimed to minimize overall delays. The proposed cycle length is 85 seconds. The cost estimate for this improvement is approximately \$5,000.

As compared to the No-Build, the AM LOS will improve from LOS F (1000 seconds delay) to LOS F (171 seconds), and the PM LOS will drop from LOS B to LOS C.

Location 26 - Longwood Avenue at Chapel Street

This signalized intersection currently operates on a different signal cycle than the Longwood-Riverway signal. The traffic engineers propose that these signals should be interconnected, or a time base coordinator unit installed, so that they may operate in unison. The approximate cost for the signal work is approximately \$15,000.

The AM and PM traffic volumes taken in November indicated reduced traffic flows due to downstream capacity problems at Longwood Avenue and the Riverway. The volumes therefore are low, and the computed LOS are higher than observed in the field.

As compared to the No-Build, the AM/PM LOS will remain at LOS B.

Brookline Avenue 5-Lane Section

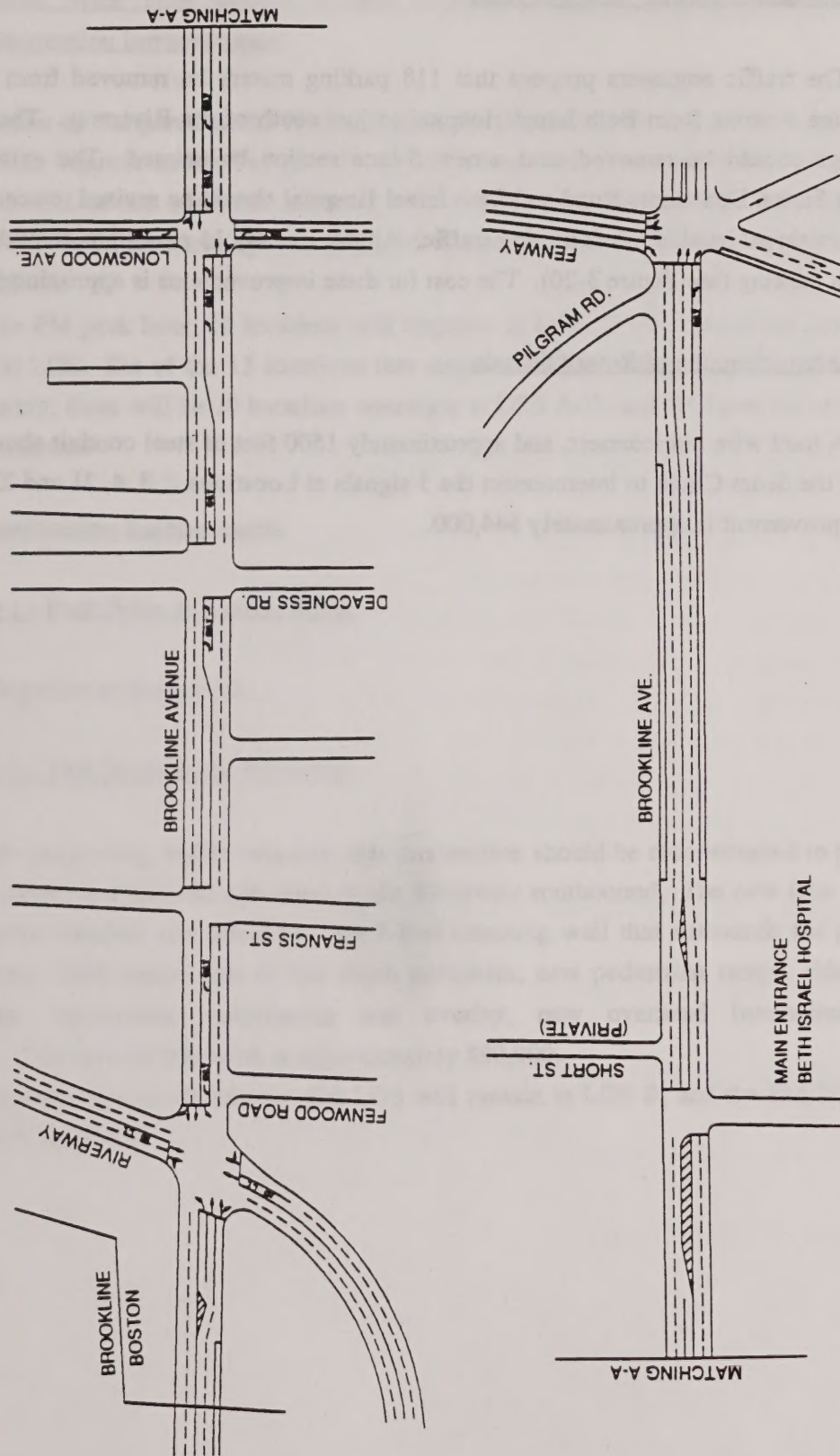
The traffic engineers propose that 118 parking meters be removed from the section of Brookline Avenue from Beth Israel Hospital to just south of the Riverway. The old pavement markings should be removed, and a new 5-lane section be painted. The existing signals at Francis Street, Deaconess Road and Beth Israel Hospital should be revised to accommodate new 5 section signal heads for left turning traffic. Approximately 15 new signs should be installed to prohibit parking (see Figure 3-20). The cost for these improvements is approximately \$112,000.

Interconnection of Rotary Signals

A hard wire interconnect, and approximately 1500 feet of steel conduit should be installed around the Sears Circle to interconnect the 5 signals at Locations 2, 3, 4, 21 and 23. The cost for this improvement is approximately \$44,000.

BROOKLINE AVENUE 5-LANE SECTION

FIGURE 3-20
PROPOSED MITIGATION - BROOKLINE AVENUE
5-LANE SECTION



Scenario 3: Build With Pure Rotary, 5-Lane Brookline Avenue Section, and Isolated Intersection Improvements

This scenario as compared to the No-Build scenario shows that during the AM peak hour nine locations will improve in level of service, 14 will remain the same, and three will drop in level of service. Six of the nine that improve will be raised out of the LOS E-F range. In summary there will be 20 locations operating at LOS A through D, and six locations operating at LOS E-F conditions.

During the PM peak hour, 13 locations will improve in LOS, 8 will remain the same, and five will drop in LOS. Six of the 13 locations that improve will be raised out of the LOS E-F range. In summary, there will be 20 locations operating at LOS A-D, and six locations operating at LOS E-F conditions.

Scenario 3: Intersection Improvements

Location 1 - Park Drive at Beacon Street

Same Mitigation as Scenario 2.

Location 2 - Park Drive at the Riverway

Due to the pure rotary traffic volumes, this intersection should be reconstructed to provide for four rotary lanes, and two through lanes to the Riverway southbound. The new lane for the rotary will require removal and rebuilding the 2-foot retaining wall that surrounds the parking lot, approximately 2500 square feet of full depth pavement, new pedestrian ramps, sidewalks, and crosswalks, intersection coldplaning and overlay, new overhead luminaires, and resignalization. The cost for this work is approximately \$90,000.

As compared to the No-Build, the AM LOS will remain at LOS B, and the PM LOS will drop from LOS B to LOS C.

Location 3 - Fenway at Brookline Avenue

The traffic engineers propose that the Brookline Avenue median be removed to provide for a 6-lane cross section, the curb returns and sidewalks be modified to permit easier left turns for rotary traffic, new pedestrian ramps, crosswalks and signalization be installed (see Figure 3-11). Also, the existing 2-lane U-turn ramp at the east end of the rotary can be removed, the pavement scarified, and the entire area seeded and mulched. This area can be reinstated to the MDC park system. The cost for this work is approximately \$153,000.

As compared to the No-Build, the AM LOS will improve from LOS F to LOS E, and the PM LOS will improve from LOS F to LOS D.

Location 4 - Park Drive/Brookline Avenue/Boylston Street

At this location traffic engineers propose mitigation to coldplane (mill) the existing surface, and resurface the entire intersection. This work will provide a smoother riding surface. Currently vehicles on Park Drive westbound must slow due to the irregular roadway grades. Curb return work is also required to improve left turns for rotary traffic. Mitigation also will install pedestrian ramps and restripe all crosswalks. Some signal equipment will also be replaced, and new signs will be installed. The cost for this work is approximately \$118,000.

As compared to the No-Build, the AM LOS will improve from LOS F to LOS D, and the PM LOS will drop from LOS E to LOS F.

Location 5 - Brookline Avenue at Longwood Avenue

Same Mitigation as Scenario 2.

Location 6 - Riverway at Longwood Avenue

Same Mitigation as Scenario 2.

Location 7 - Kenmore Square

Same Mitigation as Scenario 2.

Location 8 - Boylston Street at Park Drive

Same Mitigation as Scenario 2.

Location 9 - Fenway at Avenue Louis Pasteur

Same Mitigation as Scenario 2.

Location 10 - Huntington Avenue/Louis Prang/Ruggles Street

Same Mitigation as Scenario 2.

Location 11 - Brookline Avenue at Fullerton Street

Same Mitigation as Scenario 2.

Location 12 - Riverway at Brookline Avenue

Same Mitigation as Scenario 2.

Location 13 - Park Drive at the Fenway (Boylston Street)

Same Mitigation as Scenario 2.

Location 14 - B.U. Bridge at Commonwealth Avenue

Same Mitigation as Scenario 2.

Location 15 - Commonwealth Avenue at University Road

Same Mitigation as Scenario 2.

Location 16 - Evans Way/Fenway/Louis Prang

Same Mitigation as Scenario 2.

Location 17 - Charlesgate West at Beacon Street

Same Mitigation as Scenario 2.

Location 18 - Charlesgate East at U.S. Route 1 Off Ramp

Same Mitigation as Scenario 2.

Location 19 - Beacon/Maitland/Mountfort Streets

Same Mitigation as Scenario 2.

Location 20 - Beacon/Miner/Arundel Streets

Same Mitigation as Scenario 2.

Location 21 - Riverway at Fenway (Merge Area)

The recommended improvement for this location is to install a 2-phase signal (with concurrent pedestrian phases). This will enable drivers to merge in a platoon fashion under signal control. Pedestrian ramps and a crosswalk are also recommended in front of both stoplines to provide for signalized pedestrian control. This new signal is to be coordinated with all other rotary signals, and is to operate on a common signal cycle. The intersection also should be widened (see Figure 3-11) so that rotary traffic can utilize four through lanes and Riverway traffic can use two through lanes. The cost of these improvements is approximately \$118,000.

As compared to the No-Build, the AM LOS will remain at LOS C, and the PM LOS will improve from LOS C to LOS B.

Location 22 - Park Drive at Avenue Louis Pasteur

Same Mitigation as Scenario 2.

Location 23 - Park Drive at Site Entrance

Due to the additional rotary lane, the traffic engineers propose that this intersection be widened with new full depth pavement, coldplaning and overlays, new pedestrian ramps and crosswalks, and resignalization. The interim signal equipment should be installed in its final location to avoid reconstruction at a later date. The cost for this work is approximately \$110,000.

As compared to the No-Build, the AM/PM peak hour LOS will drop from LOS A to LOS B.

Location 24 - Carlton at Mountfort Streets

Same Mitigation as Scenario 2.

Location 25 - Boylston Street at Ipswich Street

Same Mitigation as Scenario 2.

Location 26 - Longwood Avenue at Chapel Street

Same Mitigation as Scenario 2.

Brookline Avenue 5-Lane Section

Same Mitigation as Scenario 2.

Interconnection of Rotary Signals

Same Mitigation as Scenario 2.

Scenario 4: Build With Pure Rotary, Short U. S. Couplet, and Isolated Intersection Improvements

This scenario as compared to the No Build scenario shows that during the AM peak hour, ten locations will improve in level of service, 13 will remain the same, and three will drop in level of service. Seven of the ten that improve will be raised out of the LOS E-F range. In summary, there will be 21 locations operating at LOS A through D, and five locations operating at LOS E-F conditions.

During the PM peak hour, 13 locations will improve in LOS, 9 locations will remain the same, and four locations will drop in LOS. Eight of 13 that improve will be raised out of the LOS E-F range. In summary there will be 22 locations operating at LOS A-D, and four locations operating at LOS E-F during the PM peak hour.

Location 1 - Park Drive at Beacon Street

Same mitigation as Scenario 2.

Location 2 - Park Drive at the Riverway

Due to the U.S. couplet traffic volumes, this intersection does not need total reconstruction (as shown in Scenario 2 or 3). Currently, there are 3 lanes southbound for Riverway traffic, which is acceptable. The intersection should have new pedestrian ramps, crosswalks, pedestrian signals, and the signal should be retimed. The cost for this work is approximately \$30,000.

As compared to the No Build, the AM LOS will improve from LOS B to LOS A, and the PM LOS will remain at LOS B.

Location 3 - Fenway at Brookline Avenue

The traffic engineers propose that the Brookline Avenue median be removed to provide for a 6 lane cross section, the curb returns and sidewalks be modified to permit easier left turns for rotary traffic, new pedestrian ramps, crosswalks and signalization be installed (see Figure 3-12). Also, the existing 2 lane U-turn ramp at the east end of the rotary can be removed, the pavement scarified, and the entire area seeded and mulched. This area can be reinstated to the MDC park system. The cost for this work is approximately \$153,000.

As compared to the No Build, the AM LOS will improve from LOS F to LOS D, and the PM LOS will improve from LOS F to LOS C.

Location 4 - Park Drive/Brookline Avenue/Boylston Street

Proposed mitigation at this location is to coldplane (mill) the existing surface, and resurface the entire intersection. This work will provide a smoother riding surface. Currently vehicles on Park Drive WB must slow due to irregular roadway grades. Curb return work is also required to improve left turns for rotary traffic. This mitigation includes providing pedestrian ramps and restripe all crosswalks. Some signal equipment will also be replaced, and new signs will be installed. The cost for this work is approximately \$118,000.

As compared to the No Build, the AM LOS will remain at LOS F (245 seconds to 116 seconds), and the PM LOS will drop from LOS E to LOS F.

Location 5 - Brookline Avenue at Longwood Avenue

Due to the couplet traffic volumes, this intersection should have four 12-foot northbound thru lanes and a 16-foot southbound contra-flow truck/bus lane. There will be a flush serrated median to divide traffic. The signals will be reconstructed, and several lane control signs should be installed. The cost for this work is approximately \$21,000.

As compared to the No Build, the AM Build LOS will remain at LOS F (1000 sec to 366 sec), and the PM LOS will remain at LOS F (1000 sec to 113 sec).

Location 6 - Riverway at Longwood Avenue

Due to the couplet traffic volumes, this intersection should have four 12-foot southbound thru lanes. The traffic signal equipment will be reworked, and several lane control signs and pavement markings will be installed. The cost for this work is approximately \$30,000.

As compared to the No Build scenario, the AM LOS will improve from LOS F to LOS D, and the PM LOS will improve from LOS F to LOS D. This scenario is the only scenario that removes the Longwood Avenue vehicle queues from the Chapel Street intersection.

Location 7 - Kenmore Square

Same mitigation as Scenario 2.

Location 8 - Boylston Street at Park Drive

Same mitigation as Scenario 2.

Location 9 - Fenway at Avenue Louis Pasteur

Same mitigation as Scenario 2.

Location 10 - Huntington Avenue at Louis Prang/Ruggles Street

Same mitigation as Scenario 2.

Location 11 - Brookline Avenue at Fullerton Street

Same mitigation as Scenario 2.

Location 12 - Riverway at Brookline Avenue

Due to the short couplet traffic volumes, the traffic engineers propose the following improvements.

- Eliminate 250 linear feet of parking on NB Brookline Avenue in advance of the intersection.
- Provide for four northbound thru lanes at the stop line, and four northbound thru lanes on Brookline Avenue.
- Provide for one left, two thrus, and one right turn lane on southbound Riverway.
- Provide for one combined left-right lane, and one right turn lane for northbound Riverway traffic.
- Resignalize intersection and eliminate extra signal phase.
- Provide one southbound truck/bus contraflow lane on Brookline Avenue.

The cost for these improvements is approximately \$30,000.

As compared to the No Build scenario, the AM Build LOS will remain at LOS F (1000 sec to 75 sec), and the PM Build LOS will improve from LOS F to LOS C.

Location 13 - Park Drive at Fenway (Boylston St.)

Same mitigation as Scenario 2.

Location 14 - B.U. Bridge at Commonwealth Avenue

Same mitigation as Scenario 2.

Location 15 - University Road at Commonwealth Avenue

Same mitigation as Scenario 2.

Location 16 - Evansway and Fenway and Louis Prang

Same mitigation as Scenario 2.

Location 17 - Charlesgate West at Beacon Street

Same mitigation as Scenario 2.

Location 18 - Charlesgate East at U.S. Route 1 Off Ramp

Same mitigation as Scenario 2.

Location 19 - Beacon Street/Maitland Street/Mountfort Street

Same mitigation as Scenario 2.

Location 20 - Beacon/Miner/Arundel Streets

Same mitigation as Scenario 2.

Location 21 - Riverway at Fenway (Merge Area)

Due to the short couplet traffic volumes, the Riverway eastbound volumes will drop substantially. Traffic engineers expect only 100± vehicles per hour entering from the Riverway and Short Street. Therefore, the recommended improvement calls for stop sign control of the Riverway at the merge area. The cost of these improvements is approximately \$100.

As compared to the No Build, the AM/PM 1995 Build LOS will improve to LOS C.

Location 22 - Park Drive at Avenue Louis Pasteur

Same mitigation as Scenario 2.

Location 23 - Park Drive at Site Entrance

The traffic engineers propose that this intersection be widened to accommodate a new northbound right turn lane with new full depth pavement, coldplaning and overlays, new pedestrian ramps and crosswalks, and resignalization. The interim signal equipment should be installed in its final location so to avoid reconstruction at a later date. The cost for this work is approximately \$110,000.

Both the AM/PM peak hour LOS will drop from LOS A (No Build) to LOS B (Build).

Location 24 - Carlton at Mountfort Street

Same mitigation as Scenario 2.

Location 25 - Boylston Street at Ipswich Street

Same mitigation as Scenario 2.

Location 26 - Longwood Avenue at Chapel Street

Same mitigation as Scenario 2.

Brookline Avenue from Riverway to Fenway

The traffic engineers propose a flush median be installed, and the four northbound lanes, one southbound lane operation be implemented. All signals would need reconstruction. The estimated cost is approximately \$110,000.

Riverway from Park Drive to Brookline Avenue

The traffic engineers propose that a raised median be installed from Short Street to the Riverway-Fenway merge area. This raised median will divide the on street parkers from the three southbound through lanes on the Riverway. New signs and pavement markings are also recommended. The cost for these improvements is approximately \$112,000.

Interconnection of Rotary Signals

Same mitigation as Scenario 2.

3.4.5 Recommending a Preferred Build Scenario

In order to recommend a preferred build scenario several factors were considered. First the traffic engineers summed the costs of each scenario. These estimated costs are outlined on Table 3-12. As might have been expected, Scenario #2, which entails improving the existing system, resulted in a smaller total cost than the more elaborate reconfigurations. Scenarios #3 and #4 are roughly comparable to each other in total cost.

Next the engineers tried to examine the cost of improvements versus the level of traffic flow improvement. This comparison is outlined in Table 3-13. First, this table is an indicator that the level of improvements is quite similar for the three mitigated scenarios. Each improves LOS at several intersections. This table also shows a crude average cost per intersection with improved traffic flow. In this comparison, Scenario #2 shows lower average costs per improved intersection in both the AM and PM periods. On this basis it appears that Scenario #2 has a noticeably higher cost/benefit ratio. Since funds to implement mitigation are limited this is an important factor. The Olmsted Plaza developer has pledged a budget of \$500,000 toward system-wide traffic improvements. This means that nearly 60% of the Scenario #2 improvements can be covered exclusively by Olmsted Plaza funding, leaving only \$344,000 to be made up from other sponsors, whereas only 40-43% of the improvements in the other pair of scenarios is covered, leaving \$661,000-\$739,000 to be "found" elsewhere.

Upon reviewing the three mitigation scenarios MDC discouraged further consideration of Scenario #3, the pure rotary. It did so based upon its concern that this design would create unreasonable pressures on the Riverway. This left Scenarios #2 and #4 as the remaining candidates.

After comparing the technical merits of the remaining mitigation scenarios, and their costs, the traffic engineers concluded that the logical solution is to proceed with the implementation of Scenario #2 in the short term, while retaining consideration of Scenario #4 as a consideration in the longer term. This is possible since nothing in the Scenario #2 design forecloses the ability to reconsider the one-way couplet at a later date.

Table 3-14 is a rough suggested schedule for implementing the suggested mitigation plan. It outlines the estimated costs for proposed improvements at each location, a suggested schedule for putting the improvements in place, and the agency with jurisdiction over the location at which improvements are recommended.

3.4.6 Selection of the Preferred Build Scenario

Table 3-12 is a one page summary of the estimated costs of each set of mitigation measures.

TABLE 3-12
OVERALL COST SUMMARY
(in 1000 \$)

<u>Description</u>	<u>Scenario #1</u>	<u>Scenario #2</u> <u>Cost</u>	<u>Scenario #3</u> <u>Cost</u>	<u>Scenario #4</u> <u>Cost</u>
INT. # 1	0	135 to 170	135 to 170	135 to 170
INT. # 2	0	12	90	30
INT. # 3	0	15	153	153
INT. # 4	0	50	118	118
INT. # 5	0	21	21	21
INT. # 6	0	20	20	30
INT. # 7	0	5	5	5
INT. # 8	0	5	5	5
INT. # 9	0	61	61	61
INT. # 10	0	39	39	39
INT. # 11	0	43	43	43
INT. # 12	0	30	30	30
INT. # 13	0	5	5	5
INT. # 14	0	60	60	60
INT. # 15	0	5	5	5
INT. # 16	0	5	5	5
INT. # 17	0	0	0	0
INT. # 18	0	0	0	0
INT. # 19	0	0	0	0
INT. # 20	0	0	0	0
INT. # 21	0	77	84	0
INT. # 22	0	0	0	0
INT. # 23	0	0	110	110
INT. # 24	0	5	5	5
INT. # 25	0	5	5	5
INT. # 26	0	15	15	15
Brookline Ave.	0	112	112	112
Riverway	0	0	0	110
Interconnection	<u>0</u>	<u>44</u>	<u>44</u>	<u>44</u>
TOTALS	0	\$809-844	\$1204-1239	\$1126-1161

TABLE 3-13
COST/BENEFIT COMPARISONS

	SCENARIO			
	1	2	3	4
Approximate Cost (x \$1000)	0	844	1239	1161
AM Peak Hour				
# Locations at LOS A-D	12	19	19	20
# Locations at LOS E-F	14	7	7	6
Locations With Improved LOS	0	7	9	8
Avg. Cost Per Improved Location	--	120	138	145
PM Peak Hour				
# Locations at LOS A-D	13	21	21	23
# Locations at LOS E-F	13	5	5	3
Locations With Improved LOS	0	10	7	11
Avg. Cost Per Improved Location	--	84	177	106

TABLE 3-14
PROPOSED TRAFFIC MITIGATION SCHEDULE

<u>Location</u>	<u>Cost (x \$1000)</u>	<u>Schedule</u>	<u>Reviewing Agency, Jurisdiction</u>
1	135-170	1990	BTD
2	12	1990	MDC
3	15	1990	MDC
4	50	1990	MDC
5	21	1992	BTD
6	20	1992	MDC
7	5	1992	BTD
8	5	1992	MDC
9	61	1992	MDC
10	39	1991	BTD
11	43	1991	BTD
12	30	1992	MDC
13	5	1994	MDC
14	60	1992	BTD
15	5	1992	BTD
16	5	1992	MDC
17	0	--	BTD/MDC
18	0	--	BTD/MDC
19	0	--	BTD
20	0	--	BTD
21	77	1990	MDC
22	0	--	MDC
23	40	1990	MDC
24	5	1992	BTD
25	5	1992	BTD
26	15	1991	MDC, Brookline
Brookline Ave. (5-Lane)	112	1992	BTD
Rotary Interconnection	<u>44</u>	1990	BTD, MDC
\$809-844			

3.5 Public Transportation

3.5.1 Operations

The complete assessment of the public transportation system serving the proposed Olmsted Plaza site has been presented in the DPIR/DEIR. The assessment results provided an extensive evaluation of the existing operating conditions and detailed analyses of future conditions. Although adequate information on the existing and future scenarios has been compiled for the project impact assessment, a number of issues and questions have been raised since the completion of the DPIR/DEIR. In this section, additional information regarding these issues and comments are provided.

The main issue raised deals with the MBTA Green Line operations. Due to the project's location and mix of medical, institutional and residential land uses, the primary concern was the appropriateness of the timing of the MBTA Green Line Fenway Park Station study. According to the local community, student ridership demand at Fenway Park Station is high during the academic year, and drops during summer recess. As stated in the DPIR/DEIR, the peak period ridership observations were made in mid-June of 1989, during which the majority of the academic institutions within the study area were on summer vacation. However, it should be noted the study conducted at the Fenway Park Station was to determine the quality of the service provided by the Green Line, including service frequency and load factors, which directly affect the ridership at the station. The Green Line capacity is limited not by the Fenway Park Station, but by the bottleneck segment between Copley and Arlington Stations. The significance of the capacity analysis of this segment has been described in detail in the DPIR/DEIR. The student-rider demand at Fenway Park Station is a factor in the capacity at the bottleneck segment, but it is not significant to the quality of service analysis at the station.

In order to verify the above concerns, a ridership survey at Fenway Park Station was conducted again during the AM and PM peak periods on November 29 and 30, 1989. A complete report on the survey is attached in Appendix II.

The estimate of existing peak hour capacity at the bottleneck section of the Green Line was completed in the DPIR/DEIR. Concerns were raised on the daily variation of capacity vs. demand. The DPIR/DEIR for the Prudential Center Redevelopment Project¹ presented data on the day-to-day average peak hour capacity and demand. This data was collected at Arlington Station during a week-long period in September/October, 1988. Based upon these observations, the average daily peak hour capacity and demand were estimated. These results are summarized in Table 3-15.

¹ Final Project and Environmental Impact Report, the Prudential Property Company, Inc., November 1989, Vol. 1, p. 4-81.

TABLE 3-15
GREEN LINE DAY-TO-DAY VARIATION
EVENING PEAK HOUR OUTBOUND
AT ARLINGTON STATION

<u>Date</u>	<u>Day of Week</u>	<u>Headway (Secs.)</u>	<u>Trains</u>	<u>Cars</u>	<u>Capacity*</u>	<u>Riders</u>	<u>R/C**</u>	<u>Weather</u>
9/16/88	Fri.	77	47	83	10,790	6,490	0.60	cool, clear
9/22/88	Thur.	88	41	70	9,100	8,360	0.92	cool, clear
9/28/88	Wed.	88	41	70	9,100	8,660	0.95	cool, clear
10/4/88	Tue.	68	53	85	11,050	9,640	0.87	cool, drizzle
Average		80	45.5	77	10,010	8,890 ***	0.89	

* Capacity is planning capacity (130 passengers per car).

** Ratio of riders to planning capacity.

*** Excludes 9/16/88 observation.

As shown in the table, Friday observations showed a low demand to capacity ratio, with the rest of the weekdays showing high ratios. The average daily demand-capacity ratio, excluding Friday, was 0.89, which is identical to the one presented in the DPIR/DEIR.

In order to maximize rolling stock utilization on the Green Line during the peak hour, a cross-over switch is suggested for Fenway Park Station. This cross-over switch can provide a turn-around for non-peak direction trains allowing them to reverse direction without having to travel to the terminal. This improvement can directly increase the peak direction service frequency based upon the same number of available trains. This recommendation coincides with the current MBTA improvement plan at Fenway Park Station. According to R.W. Beck Associates, Inc., of Waltham, Massachusetts, the final design plans for a full cross-over switch have been completed for the MBTA.

The preliminary estimation of the project impact to the Green Line has resulted in a total demand of 13,100 pph at the Copley-Arlington segment during the peak hour. In order to accommodate the anticipated demand, the Green Line needs an increase in the current operation level of from 2.0 cars per train to 2.3 cars per train during the peak hour in 1995, provided that the service frequency remains the same.

The MBTA environmental coordinator has indicated that the MBTA has proposed a purchase plan to add 150 new cars to the Green Line which is pending funding at this time. These additional cars will enable the MBTA to expand its fleet to 2.3 cars per train during the peak hour. Also, the MBTA has confirmed that the Automatic Vehicle Identification (AVI) system will be installed on the Green Line system. The computer based AVI system will enable the Green Line dispatcher to monitor vehicle movement and density through the on-line information. Then the dispatcher can constantly update the vehicle assignment to route/destinations as needed based upon the on-line information. This advanced system will assist the MBTA to improve the Green Line capacity planning and peak period scheduling.

Also presented in the Prudential FPIR/FEIR were the results of a study showing that transit user travel patterns at the Prudential Center have changed since the Orange Line opened in 1987. Some Green Line users have shifted to service provided by the Orange Line expansion. Therefore, the future Prudential Redevelopment Green Line use may be lower than the projected demand in the design year.

It was recommended in the DPIR/DEIR that Olmsted Plaza Associates should coordinate with the MASCO shuttle bus service by not only utilizing the existing service, but also by contributing to the expansion of the service. Further study has determined that the developers should coordinate with MASCO to provide additional service to the Orange Line

(Ruggles Station), and increase its service to the Red Line (Harvard Square Station) during peak periods. These additional services will increase the transit supply to students and employees along these routes. Meanwhile, it could reduce the Green Line inbound demand by 15 percent. This reduction is estimated based upon the number of site transit users to the Orange Line northbound and Red Line/Harvard Square direction via the Green Line. These riders will use the shuttle bus service provided by the site, instead of transferring through the Green Line.

3.5.2 Means For Improving Public Transportation Service

A general mitigation plan for improving Green Line operations was included in the DPIR/DEIR. In this section, a refined improvement plan is presented to detail the required efforts in improving public transportation operations.

1. Measures to increase public transit capacity.

- The MBTA should be encouraged to maintain its schedules and reduce significant headway fluctuations. The proposed automatic vehicle identification system will aid in reaching this goal.
- The MBTA should increase the average number of cars from 2.0 per train to 2.3 per train with the same headways at the earliest possible time. The new rolling stock should make this feasible.
- A crossover switch at Fenway Park Station to allow turn-around will increase train utilization during peak periods. Implementation of this plan should take place prior to the completion of Olmsted Plaza since final design plans are ready for contractor bid.
- The developer can jointly work with MASCO to expand the existing MASCO shuttle service into a broader network, which will directly increase the public transit supply. Such expansion would include adding service to Ruggles Station, and increased service frequency to Cambridge during peak periods.

2. Promote Public Transit

- The developers will establish a permanent position on-site to coordinate public transit use for commuters. The coordinator will:
 - Promote MBTA transit services by updating service schedules and providing a MBTA monthly pass sales program.
 - Conduct "Transportation Awareness Days" every 6 months to inform employees of the public transportation services available to them.
 - Establish a computer data base to coordinate carpool and vanpool ridesharing programs.
 - Work with other public and private agencies and citizens in the area to expand public transit service and ridesharing programs areawide.
 - Directly work with the on-site parking management group on all parking related issues and examine the increased use of public transit as part of possible solutions.
- MASCO has obtained the TMO funding to establish an areawide Transportation Management Organization in the Longwood Medical Area. Olmsted Plaza Associates will work directly with MASCO on the TMO program to strengthen its serviceability by including the site's transportation coordinator's activities into the program and contributing to the cost of additional equipment and resources.
- In order to pursue the promotion of public transit use on the site, the developers should reach agreement with tenant employers on the following objectives:

- Employers should subsidize their employees purchase of MBTA transit monthly passes at the rate of 25 percent or more. However, the benefited employees should not receive employee parking privileges in the garage.
- Employers should contribute to the cost of local shuttle bus services provided by employers or other organizations.
- Employers should contribute to the cost of vanpool and other alternative ride-sharing programs for the employees.

The above mitigation strategies can be very effective if included in the leasing agreement.

- The developers should encourage its tenants to adopt staggered working hours in return for lower utility rate incentives. Staggered working schedules will reduce peak hour traffic demand.
- Continuous coordination with the City of Boston and other related public agencies to monitor and report on its mitigation effectiveness.

3.5.3 Developer's Commitment to Mitigation Plans

- Instituting a Comprehensive Commuter Mobility Program on the site to maximize the use of mass transit and ridesharing; making the program available to all workers in the area by means of cooperation with other businesses and institutions.
- Designating a transportation coordinator who shall cooperate with BTM to monitor the progress of mitigation plans, and implement the Commuter Mobility Program.

- The Commuter Mobility Program shall provide the following services:
 - 1) Coordinating ridesharing programs;
 - 2) Promote transportation options through newsletters, special events, and tenant relations;
 - 3) Manage on-site MBTA pass sales.
 - 4) Encourage tenants to implement staggered work schedules;
 - 5) Manage all parking issues;
 - 6) Monitor efforts of Commuter Mobility Program and submit annual report to the BTM.

- The Developer will promote ridesharing programs by:
 - 1) Provide computerized on-site carpool/vanpool matching programs;
 - 2) Participate in on-site and area wide ridesharing programs;
 - 3) Provide ridesharing promotional material to site employees every six months.
 - 4) Reserve parking spaces for carpool/vanpool vehicles registered with the Transportation coordinator at a 50% discount;
 - 5) Provide "Transportation Day" once a year to expand ridesharing programs.

- Developer will implement transit use enforcement in the base agreement to minimize site trip generation.

- Developer will provide improved access to the Fenway Park Station.

In order to assure the developer's responsibilities in mitigating the site impact to the Green Line operations, a meeting was held by the MBTA officials with the developer and developer's technical consulting team on November 11, 1989. The developer has agreed to contribute financially to the Fenway Park Station improvement costs. The detail of the improvement plans are currently being discussed.

3.6 Pedestrian Circulation

3.6.1 Operations

The analyses of pedestrian circulation under existing and future conditions within the study area as presented in the DPIR/DEIR provided an analysis of pedestrian flow conditions within the study area. Due to a number of changes in the project's parking system and traffic flow, some changes in the future pedestrian flow network have also occurred. These changes and their affect on future pedestrian flow are analyzed in this section. In addition, some of the concerns and issues raised by the local neighborhood groups regarding the pedestrian flow system in the area are also evaluated in detail.

It is proposed that two garages, one on the main site and another on Van Ness Street, provide the necessary parking for the project rather than the one garage at the site as originally proposed in the DPIR/DEIR. This change will ultimately add more pedestrian trips to the Brookline Avenue/Fullerton Street intersection during peak hours. This is mainly due to the fact that motorists who park at the Van Ness Street garage need to walk between the site and the garage. The increase in the total number of pedestrians crossing the Brookline Avenue and Fullerton Street intersection during the morning and evening peak hours is summarized in Table 3-16. In addition, the LOS for the new pedestrian volumes was also analyzed and the results are included in the table. As shown in the table, the increase in pedestrian volume has resulted in a decrease in LOS during the AM peak hour. The pedestrian network, with site generated AM and PM peak hour volumes, is graphically presented in Figures 3-21 and 3-22.

The decision to use the Emerald Necklace missing link parcel as a temporary parking lot from 1990 to 1991 will require a pedestrian crosswalk between the parcel and the Park Drive sidewalk in front of the site entrance. An existing traffic stop line is located on Park Drive northbound at the Sears Building main entrance. The pedestrian crosswalk can will located at this location. When traffic stops for the red light at the stop line, pedestrians can cross safely. The new traffic signal and pedestrian signal heads will provide a signalized crosswalk at this intersection.

Another concern of the local community is that the blind spot at the crest of Park Drive near the bridge over Fenway Park Station causes a dangerous condition for pedestrians crossing Park Drive at this location. Based on the site survey results, a pedestrian crosswalk will be painted at the crest across Park Drive, and pedestrian crossing warning signs will be installed along both sides of Park Drive to increase the awareness of motorists in the area.



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TABLE 3-16

PEDESTRIAN FLOW VOLUMES AND LOS SUMMARY
AT BROOKLINE/FULLERTON INTERSECTION

Option	Pedestrian Volume		LOS (Average)	
	AM Peak Hour	PM Peak Hour	AM	PM
One Garage (DPIR/DEIR)	71*/237**	98/199	A*/B**	A/B
Two Garages (FPIR/FEIR)	330/496	470/571	B/B	A/B

* Fullerton Street Crosswalk

** Brookline Avenue Crosswalk

3.6.2 Means for Enhancing Pedestrian Network Improvement

The improvement plan is focused on providing an efficient and safe pedestrian flow network.

- With the two garage scenario, the peak hour pedestrian volume at the intersection of Brookline Avenue and Fullerton Street will be doubled. Pedestrian crossing signs along Brookline Avenue near Fullerton Street will be installed, and crosswalk pavement markings at this intersection will be striped to increase pedestrian safety.
- A pedestrian crosswalk will be painted on Park Drive over Fenway Park Station. This crosswalk location will be approximately 550' south of Audubon Circle at the crest of Park Drive. Advance pedestrian crossing warning signs are required for this crosswalk.
- Current walkways surrounding the project site will be upgraded as reported in the DPIR/DEIR.
- Pedestrian walkways to Fenway Park Station will be upgraded in coordination with the MBTA. The developer will contribute to the cost required to upgrade the pedestrian environment around the MBTA station, including escalator installation and side bench placement in the station.
- In coordination with the Boston Transportation Department, the signal timing for pedestrian phases at the signalized intersections will be calibrated based upon the future demand.

3.6.3 Developer's Commitment to Pedestrian Network Mitigations

In order to enhance the pedestrian network improvement plan, the developer has committed to financially contributing to the improvement programs, including:

1. Providing a desirable walkway from the project site to Fenway Park Station;

2. Providing handicapped access to the site buildings;
3. Rebuilding the sidewalk surrounding the project site, including new pavement, landscaping and street lighting;
4. Rebuilding or improving pedestrian crosswalks within the study area in conjunction with traffic mitigation plans.

Locations of the proposed crosswalks are shown on Figures 3-14 through 3-20.

3.7 Parking

In the DPIR/DEIR, the complete analyses of the existing parking system within the study area and the evaluation of the future parking conditions provided adequate information for the understanding of the project impacts on the surrounding parking system. Along with the parking system analyses, future parking system mitigation plans were also proposed, with the focus on encouraging carpooling and transit use, and discouraging single occupancy commuters.

However, the proposed site parking supply has been changed from one on-site garage, to two garages; one on the site and one on Van Ness Street. Although the proposed change will not affect the overall parking supply and management plans proposed for the project in the DPIR/DEIR, some details in the supply and management plans should be re-examined to ensure that the parking system will be consistent with the one originally proposed.

Based on the new supply plan, the parking system mitigation plans were refined to emphasize the developer's commitment to reduce site traffic generation by implementing effective parking management plans.

3.7.1 Operations

The two garage option will provide a total of 1649 spaces, including 1150 spaces in the 6-level garage on-site, and 499 spaces in the 5-level garage on Van Ness Street. These spaces are designed with a standard parking stall size of 8.5' x 20.0'. Since the developer has committed the garages to serve daily office parkers, nighttime residential parking, and Red Sox game parking, the parking supply and management plans are focused on two time periods, the daily site demand between 7 AM and 6 PM, and the local residential demand and/or Red Sox game demand between 5 PM and 9 AM.

The proposed garage at Van Ness Street is designated for employees' long-term parking only. Any short-term demand by the project will be accommodated at the on-site garage. The detail of the space allocation plan is summarized in Table 3-17.

As shown in the table, 295 spaces are designated for short-term parking in the garage on the site. Of these spaces, 10 spaces are reserved for handicapped parking only, which complies with the requirements set forth by the MDPW. These handicapped parking spaces will be located on the first level of each garage, and will have direct access to the surrounding area. Among the designated long-term parking spaces, twenty-five percent of the spaces are designated for carpool parking, and two percent of the spaces are designated for vanpool parking in both garages. These spaces will be assigned with appropriate signing. The new parking supply plan is consistent with the parking supply requirement determined in the DPIR/DEIR.

Regarding the use of these two garages to relieve local resident parking deficiencies in the evening, and to accommodate Red Sox game parking demand during game season, the following plan has been proposed. Resident parking in the parking facilities will be allowed with a pre-approved permit between 5 PM and 9 AM on weekdays, and entire weekends. However, if the local resident's car is not removed from the facilities before 9 AM, regular parking fees for the short-term parking will be assessed. Based on the parking demand estimate in the DPIR/DEIR, the site demand at 6 PM is approximately 620 spaces. At that point, 1029 spaces would be available for either resident parking or Red Sox game uses. It is difficult to estimate how many local residents will use the facilities. This depends on the cost and the demand when the project is completed. Currently, there are 243 spaces designated for resident parking within the study area. Based upon this supply, the resident parking demand for the garages will not be greater than the 243 spaces provided on the street. The actual demand can only be determined through the number of resident parking permits being purchased. Therefore, if the parking garages are provided for baseball game parking, the number of residential parking spaces reserved should coincide with the number of permits purchased. The remaining spaces can be used for baseball game parking.

The revised parking supply plan includes the reopening of the currently vacant parking lot at the Emerald Necklace Missing Link parcel beginning in 1990 for a 24 month period. This parking lot can provide 288 spaces. These spaces can be used to accommodate the current local demand for parking. The explicit parking management plans including the pricing and policies are presented in the mitigation section.

**TABLE 3-17
PARKING SPACE ALLOCATION**

Use	On-site Garage	Van Ness Garage
<u>Short Term Spaces:</u>	<u>Levels B, 1, 2</u>	<u>Level 1</u>
Handicapped Reserve	10 (Level 1)	5 (Level 1)
Regular Use	285	0
<u>Long Term Spaces:</u>	<u>Levels 3-6</u>	<u>Levels B-5</u>
Handicapped Reserve	0	0
Carpool Reserve	214 (Level 3)	125 (Level B, 1 & 2)
Vanpool Reserve	17 (Level 3)	10 (Level 1)
Regular Use	624 (Level 4-6)	364 (Level 3-5)
TOTAL	1150	499

Due to the fact that some people will be dropped off in the morning and picked up in the afternoon at the site when they participate in carpooling or vanpooling, two "kiss-and-ride" drop-off areas (see Figure 2-1) have been designated along the north side of Brookline Avenue. In addition, these two bays can also be used for the Day Care Center drop-off and pick-up during the day. These two bays will provide safe short-stop activities without obstructing through traffic on Brookline Avenue.

3.7.2 Management and Mitigation Plans

The proposed parking system mitigation plan demonstrates the developer's commitments to: 1) pursuing trip reduction through parking system management, 2) cooperation with the local community to relieve the local residential parking problems, and 3) aggressiveness in improving the overall transportation system management as requested by both the BTD and BRA.

- In reducing the site parking demand, the following parking management actions will be taken:
 - 50% reduction in parking fee for carpool and vanpool members
 - Two percent vanpool spaces and 25 percent carpool spaces will be reserved exclusively. These spaces will be located in the lower levels of the on-site garage.
- The parking garages will be open to local residents between 5 PM and 9 AM.
- The parking garage fee structure will be focused on discouraging single occupant vehicles in long term parking spaces and long term parking in short term spaces.
 - Single occupant vehicles of on-site employees who park in the long term parking spaces will pay the monthly fee as determined by the market. Currently, the average cost is \$160 per month.

- Based on the LMA parking garages operating system, the current local resident overnight parking fee is approximately \$60.00 per month.
- The hourly rate for the short term parking spaces will be designed so that the longer the car is parked, the higher the average hourly rate. This will discourage long term parking in short term spaces as these spaces are designated for high turn-over uses.
- The garages will also be used for snow day emergency parking in the evening by local residents. The parking fee can be charged at each use.
- Aside from alleviating some of the overnight resident parking demand, the additional unoccupied spaces at night will be made public to all parking lot patrons for a fee.
- The ride-sharing and public transit information will be provided throughout the parking facilities.

A survey of the existing parking fee structure of the parking facilities within the study area was conducted in November, 1989, and the results are summarized in Table 3-18. Based on the existing parking fee structure in the area, the following fee structure is recommended:

- The short-term parking space fee:

One Hour	-	\$2.00
Two Hours	-	\$4.00
Three Hours	-	\$8.00
Four Hours	-	\$12.00
Maximum	-	\$15.00

- Ball game parking fee: \$10.00 per space (out by 2 AM)

TABLE 3-18
PARKING FEE SURVEY SUMMARY

LOCATION	FEE STRUCTURE
1. Sear's Lot at Fullerton Street	\$4.00/day, flat fee \$10.00/night, ball game parking
2. LMA Lot at Brookline Avenue	Monthly permit only - \$120.00/month \$8.00/night, ball game parking
3. LAZ Lot at Ipswich Road	\$5.00/day, flat fee \$10.00/night, ball game parking
4. Parking Service Lot at Van Ness Street	\$4.00/day, flat fee \$10.00/night, ball game parking
5. Stanhope Lot at Van Ness Street	\$4.00/day, flat fee \$10.00/night, ball game parking
6. Stanhope Lot at Peterborough Street	\$4.00/day, flat fee \$10.00/night, ball game parking
7. HCHP	\$3.00/per visit, flat fee Monthly pass N/A
8. Children's Hospital	\$2.50/hour with \$1.00 hour increment (\$12.00 maximum) Monthly pass - \$160.00 per permit
9. Pilgrim Garage	\$3.00/hour with \$1.00/hour increment (\$14.00 maximum) Monthly pass - \$160.00 per permit
10. Beth Israel Hospital Garage	\$2.50/hour with \$1.00 increment (\$12.00 maximum)

- **Emerald Necklace parking lot fee:**

\$4.00 per day flat fee, or

\$120.00 monthly permit

- **The long-term parking space fee:**

Regular Monthly Permit - \$160.00

Vanpool and carpool - \$112.00

Resident Parking Monthly Permit - \$60.00

- **Snow-day emergency parking: \$4.00 per use**

These fee structures are based on the 1989 dollar values. The actual charge in the design year will be adjusted to reflect the actual dollar value in that year.

4.0 HOUSING IMPACT SUMMARY

This study identifies potential housing impacts and recommended mitigation measures relative to the proposed Olmsted Plaza development. The objective is to present such information within the context of an overall Fenway/Kenmore neighborhood housing strategy, which is divided into three parts as follows:

1. Identification of Primary and Secondary Housing Impacts

The consultants have used the same methodology and assumptions that were developed in the Draft Housing Impact Report for the Prudential Center Redevelopment Project in order to estimate the potential combined direct, indirect and induced housing demand on the Fenway/Kenmore impact area.

Consultants' housing impact estimate of 147 households is based on the project proposed at the time of this analysis. It includes approximately 132,000 n.s.f. of retail-related space, 870,000 n.s.f. of office-related space, and a 300-room hotel (ALTERNATIVE A).

2. Current Housing Conditions and Demographic Patterns

Consultants have collected and analyzed all available data, both "hard" (quantitative) and "soft" (interviews, perceptions), on housing types and costs, as well as household income, to estimate some measure of the current affordable housing "deficit" in the impact area.

The generalized estimates relating income and housing cost, suggest an "Affordability Gap" which would require the median household income to nearly double in order to afford the median rent or condo sales price in the Fenway/Kenmore district.

3. Recommended Fenway/Kenmore Neighborhood Housing Strategy

Based on suggested goals, the consultants have developed recommendations which reflect an understanding of local needs and problems, as perceived by those familiar with the neighborhood and supported by available data.

The City of Boston's linkage policy requires developers of large commercial projects to either build affordable housing by choosing the Housing Creation Option, or to contribute money to the Neighborhood Housing Trust for such purposes.

The amount of the housing linkage obligation is calculated at \$5 for every square foot over 100,000 square feet.

A development program of 1.446 million gross square feet, as proposed for Olmsted Plaza, will generate a housing linkage obligation of \$6.730 million.

Although the city's linkage program is designed to invest in affordable housing opportunities in the city's neighborhoods; to date, no linkage projects are underway in the Fenway/Kenmore area.

Thus, it is recommended that three critically important projects receive highest priority for linkage funds.

- Boston University properties at Audubon Circle; for reuse as affordable SRO housing units.
- Boston University properties - second phase; for reuse as a limited equity cooperative.
- Peterborough Street parcel; for development of mixed income housing.

In addition, the housing study has discussed other possible strategies such as possible acquisition and/or reuse of underutilized parcels along the Boylston/Brookline Corridor, and corporate equity-sharing for affordable housing.

5.0 EMPLOYMENT IMPACT SUMMARY

The jobs linkage funds generated through the Olmsted Plaza development offer a unique opportunity to create new economic opportunities for the residents of the City of Boston, particularly those in the Mission Hill and Fenway neighborhoods. This linkage strategy builds upon one of the key strengths of the Boston economy -- the health care institutions and the biomedical research occurring in both the private and non-profit sectors. By matching the needs of local residents with the needs of employers in these growing fields, the jobs linkage strategy will provide quality jobs to low-and moderate-income residents of the city and add to the competitive advantages of Boston as a site for further growth in the biomedical fields.

5.1 Results of Research on Economic Needs

The job linkage strategy for Olmsted Plaza was designed to match the employment needs of local residents with the labor force needs of local employers. To ensure that the study addressed the needs of prospective employers at the site and Community members, Mt. Auburn Associates surveyed residents of Mission Hill and the Fenway, interviewed human service providers, surveyed local employers and analyzed employment needs in the biomedical industry.

The community survey revealed that Mission Hill and the Fenway are extremely diverse neighborhoods, with residents ranging from highly-skilled, upper-and middle-income professionals to low-income welfare families, who have not participated in Boston's general prosperity over the past decade. Unemployment remains relatively low in the community, but underemployment and economic instability are major concerns of community residents.

The analysis of employment needs highlighted the importance of institutional employers such as universities and hospitals. Interviews indicated that job opportunities were available for high-quality clerical areas and specialized health care occupations. The analysis of employment in the biomedical research field, a target industry for the Olmsted Plaza development, found that continued industry growth would lead to a demand for a wide variety of jobs. Although a large share of jobs in the industry will go to highly trained scientists, there is also need for supporting laboratory technicians which require only Bachelor of Science or Associates Degrees.

5.2 The Job Linkage Strategy

In a period of scarce resources, the jobs linkage funds generated through the development of Olmsted Plaza will provide an opportunity to fill some of the gaps in the education and training system in the city. Because the Fenway and Mission Hill neighborhoods are adjacent to the Longwood Medical Area and because Olmsted Plaza will target biomedical research firms as tenants, opportunities in health-related professions is the natural focus for job training efforts using linkage funds. Shortages and increased training requirements in certain health care occupations will result in the expansion of training in the health care field, and will benefit residents of the Fenway and Mission Hill neighborhoods, the medical institutions themselves, and, less directly, residents throughout the city.

The following principles guided the development of the strategy:

1. Linkage funds should be a vehicle for developing new, collaborative relationships which overcome the fragmentation of existing initiatives designed to link residents with jobs in health-related occupations.
2. Linkage funds should be used to provide the seed funding needed to bring together neighborhood groups, city officials, health care and biotechnology representatives, and educators to address in a coordinated fashion gaps in health-related training. By demonstrating commitment and starting the process, seed funding will help attract additional resources, such as foundation grants, for the effort.
3. Linkage fund commitments should strike a balance between immediate responses to current training needs and efforts to build the long-term capacity of Boston's training system for local residents.

The creation of the Boston Health Careers Academy is the major initiative which should be supported with linkage funds. Discussed with interest by the city and leaders in the health care industry, the academy would train high school students and dropouts, working parents, and the unemployed for entry into occupations in the health care field. The Academy would be a central, organizing institution for a range of programs including English-as-a-Second-Language and literacy for the health professions, specialized curriculum in high-demand occupations, a public relations campaign which promotes health care as a profession, and retaining and skill upgrading for existing workers in the field.

Linkage funds can seed this effort. A task force made up of leaders in the health care and biomedical research industries, city officials, training providers, neighborhood residents and, particularly, the Conference of Boston Teaching Hospitals, could direct linkage funds to finance an implementation plan for the Academy and to establish a few pilot projects at Dimock Community Health Center, the Humphrey Occupational Center, or Roxbury Community College. In addition, funds could be used to continue support for existing programs such as the collaborative effort between Children's Hospital and the Fenway Program of Boston English High School.

A second major proposed initiative is the establishment of a "biomedical occupational endowment" for the Fenway and Mission Hill neighborhoods. Linkage funds could be used to help qualified local residents gain access to specialized biomedical training. The endowment would buy slots for local residents, through a competitive process, at the innovative biomedical training program operated by Boston University's Metropolitan College.

A third major initiative, unrelated to the biomedical fields, would be to provide an innovative child care training program in conjunction with the Child-Care Training and Internship Program at Wheelock College. The program being developed by Wheelock College, less than one block from the Sears site, could be operated in conjunction with the child care center being proposed for Olmsted Plaza. The program seeks to provide opportunities for neighborhood residents interested in entering the child care field.

This report addresses the impacts of the proposed project on the following infrastructure systems:

- Water Distribution,
- Wastewater Disposal,
- Storm Drainage,
- Electric Service, and
- Natural Gas Service.

2.2 Water Distribution/Service

This section presents an analysis of the proposed Olmsted Plaza project's anticipated impact on existing water supply facilities. The analysis includes a description of existing

6.0 INFRASTRUCTURE SYSTEMS

6.1 Introduction

Because the proposed redevelopment can potentially affect local infrastructure systems, this report was prepared to address the infrastructure impact issues and present mitigative alternatives.

The infrastructure impact analysis for the proposed redevelopment is primarily based on the characteristic utility demand projections for both the historic use of the Sears facility and the proposed redevelopment program with comparison of the 300-room hotel design and a 309,000 square foot office building alternatives proposed on Brookline Avenue. This approach was taken to provide an understanding of the historical demand placed on the infrastructure systems by the Sears facility, and to serve as a guideline for determining the impact of the redevelopment.

The calculations in this section are based on a development of 1,546,000 gsf. The final development size will actually be 1,446,000. Therefore, the calculations included here are extremely conservative, and can be assumed to be 6.5% or more greater than expected.

The following sections describe the existing infrastructure systems and their capacity to serve the proposed project. Expected utility use levels for each infrastructure element are presented, and estimates are made for the increased demands associated with each space category in the proposed project. For each infrastructure element, the impact of the increased demands on the system is discussed and service connection information is provided. Planned infrastructure system improvements and mitigation efforts to moderate the impact of the project are also presented.

This report addresses the impacts of the proposed project on the following infrastructure systems:

- Water Distribution,
- Wastewater Disposal,
- Storm Drainage,
- Electric Service, and
- Natural Gas Service.

6.2 Water Distribution Systems

This section presents an analysis of the proposed Olmsted Plaza project's anticipated impact on existing water supply facilities. The analysis includes a description of existing

facilities, an estimate of future water use, and an evaluation of the existing facilities' adequacy to handle the increased demand.

6.2.1 Description of Existing Facilities

Water service for domestic use and fire protection in the project vicinity is supplied from a water system owned and operated by the Boston Water and Sewer Commission (BWSC). This system is part of the BWSC Southern Low Service (SLS) supply system. In the project area the SLS is used primarily to meet domestic water needs, internal building system fire protection requirements, and street hydrant demand.

Domestic water service is provided to the main Sears building through one connection to a 12" water main of the SLS water system located in Brookline Avenue and Park Drive. The existing fire protection water service for the Sears facility is provided through eight separate connections from the same service. Figure 6.2-1 details the location of water mains within the project area.

6.2.2 Capacity of Existing Facilities

Discussions with BWSC personnel and recent system-wide studies of hydrant flow tests performed by BWSC indicate that flow and pressure appear to be adequate to serve the development's domestic water and fire fighting requirements. Hydrant flow tests in the site vicinity are summarized in Table 6.2-1. These show that system capacity is available to serve the developments peak demand of 388 gpm. Additionally, the typical fire requirements of 2000 gpm can be met at the site.

6.2.3 Water Usage

The Massachusetts State Environmental Code, 310 CMR 15.00, Title V, Sewage Flow Estimates (Title V) was utilized as a standard system for estimating historical and future water usage. It should be noted that the Title V approach generally provides a conservative estimate of average daily water consumption and that Title V values were increased by 10% to account for consumptive uses. Peak use values were determined by applying a peaking factor of 3 to the average daily use.

TABLE 6.2-1
HYDRANT FLOW TESTS*

<u>Street/ Location</u>	<u>Service</u>	<u>Test Date</u>	<u>Static Pressure</u>	<u>Flow (gpm) @ Residual Pressure</u>	<u>Flow (gpm) @ Residual Pressure of 20 psi**</u>
Brookline Ave. near Park Drive	SLS 12"	4/86	62 psi	1740 @ 50 psi	3430
Pasteur near Fenway	SLS 12"	6/88	62 psi	2642 @ 54 psi	6464

* Test data obtained from BWSC, Boston, MA.

** Calculated by BWSC, Boston, MA.

Historical Usage

Historical average daily water use levels for the existing Sears facility have been estimated based on the peak staff level of 3,000. It should be noted that the estimated peak air conditioning make-up water use of 7,560 gallons per day (gpd) is seasonal and has been based on the size of the existing cooling tower. Average domestic usage was estimated to be approximately 66,000 gpd with an instantaneous peak of 138 gpm. This resulted in an average total use during the summer, under peak cooling conditions, of 73,560 gpd with a total instantaneous peak of 143 gpm.

Proposed Development

Water use projections for Olmsted Plaza are reported in Table 6.2-2 and 6.2.2a. The information is based on Title V data and organized into the general use categories of office, conference center, retail, R & D, day care, clinical, job training center, storage, hotel and athletic club. Average daily domestic water use with the hotel alternative (which represents a greater demand than the office alternative) has been estimated as 143,855 gpd, with an instantaneous peak of 258 gpm, this represents an increase in domestic water use of 187%. Seasonal peak cooling water demand has been estimated as 73,250 gpd. This results in a total estimated summertime water use of 217,105 gpd, with an instantaneous peak of 301 gpm, representing a 210% increase in total use.

Water requirements for fire fighting will remain essentially unchanged for the new development because potential fire fighting scenarios remain the same. As with the existing facility, water to satisfy fire fighting needs will be supplied by local hydrants and individual structure dedicated piping systems such as stand pipes and sprinkler systems. New code standards require sprinkler systems in all new high rise structures.

6.2.4 Impacts and System Connections

The Olmsted Plaza development will be responsible for a maximum estimated increase in summertime water use of 119,725 gpd which will be moderated by the effects of water conservation components to be utilized in the building designs, and retrofits. This estimated requirement will be supplied by the SLS system.

Discussions with BWSC personnel indicate that the existing supply and distribution system is capable of supplying sufficient water to satisfy the estimated additional demand. The agency assurance is supported by the hydrant test data presented in Table 6.2-1. The existing

TABLE 6.2-2

AVERAGE DAILY WATER USE FOR THE PROPOSED OLMSTED PLAZA

(DOMESTIC USE BASED ON TITLE 5 DATA)

BROOKLINE AVE HOTEL ALTERNATIVE

<u>Structure</u>	<u>Use Category</u>	<u>Area (gsf)</u>	<u>Average Domestic (gpd)</u>	<u>Peak Cooling* (gpd)</u>	<u>Total Use (gpd)</u>
Main Building					
	Clinical	158,540	13,080	7,925	21,005
	Office	236,208	19,500	11,800	31,300
	R & D	523,517	43,200	26,175	69,375
	Retail	60,880	3,350	3,350	6,700
	Day Care	10,147	1,885	250	2,135
	Athletic Club	<u>31,708</u>	<u>8,720</u>	<u>950</u>	<u>9,670</u>
	Subtotals	1,021,000	89,735	50,450	140,185
Park Drive					
	Office	216,000	17,820	10,800	28,620
Brookline Avenue					
	Hotel (300-room)	<u>309,000</u>	<u>36,300</u>	<u>12,000</u>	<u>48,300</u>
	Totals	1,546,000	143,855	73,250	217,105

* Summer Use Only.

TABLE 6.2-2a

AVERAGE DAILY WATER USE FOR THE PROPOSED OLMSTED PLAZA**(DOMESTIC USE BASED ON TITLE 5 DATA)****BROOKLINE AVE OFFICE ALTERNATIVE**

Structure	Use Category	Area (gsf)	Average Domestic (gpd)	Peak Cooling* (gpd)	Total Use (gpd)
Main Building					
	Clinical	158,540	13,080	7,925	21,005
	Office	236,208	19,500	11,800	31,300
	R & D	523,517	43,200	26,175	69,375
	Retail	60,880	3,350	3,350	6,700
	Day Care	10,147	1,885	250	2,135
	Athletic Club	<u>31,708</u>	<u>8,720</u>	<u>950</u>	<u>9,670</u>
	Subtotals	1,021,000	89,735	50,450	140,185
Park Drive					
	Office	216,000	17,820	10,800	28,620
Brookline Avenue					
	Office	<u>309,000</u>	<u>25,510</u>	<u>15,435</u>	<u>40,945</u>
	Totals	1,546,000	133,065	76,685	209,750

* Summer Use Only.

SLS has an available capacity of 1,740 gpm at 50 psi. For fire flow the existing SLS has an available capacity of 3,430 gpm at 20 psi.

Service to the proposed new structures will be provided by the construction of separate service connections to the BWSC distribution system in adjacent roadways, with new distribution systems developed on site for each of the major elements of the project. Modifications to existing service connections, construction of new service connections, and system improvements will be incorporated into the general build out schedule for Olmsted Plaza to minimize impacts on adjacent roadways. All modifications to existing systems and construction of new systems will be in accordance with BWSC standards and practices.

6.2.5 System Improvements and Mitigation Measures

The new development systems requiring water supply will either meet or be an improvement beyond the Massachusetts 780 CMR State Building Code requirements designed to minimize water use. Building design features to reduce water use will include new water saving fixtures, such as low flow showers, low volume flush systems, and automatic shutoff lavatory sink faucets. These efforts will result in an expected savings in water use relative to standard systems of approximately 15%. Water conservation measures to be considered out of doors will include xeroscaping, water absorbing polymer soil additives, and irrigation controls.

6.3 Sewer and Storm Drain Systems

6.3.1 Sanitary Sewers

Description of Existing Facilities

The Olmsted Plaza sanitary wastewater and storm water runoff collection systems are separate on the site and discharge to separate systems off-site. As shown in Figures 6.3-1 and 6.3-2 the Olmsted Plaza project site is served by a separate local sanitary sewer that is owned and operated by the Boston Water and Sewer Commission (BWSC). The existing Sears facility is serviced by a 15" cast iron connection with the 24" X 31" brick sewer located in Brookline Avenue. This sewer carries flows southwesterly along Brookline Avenue, across Park Drive and the proposed Emerald Necklace Park, to the Massachusetts Water Resources Authority's (MWRA) Charles River Valley Sewer. This interceptor carries flows in a generally southeasterly direction, along the Fenway and Vancouver Street, to the Ward Street Headworks. From there, the Boston Main Drainage Tunnel conveys flows to the Deer Island Treatment

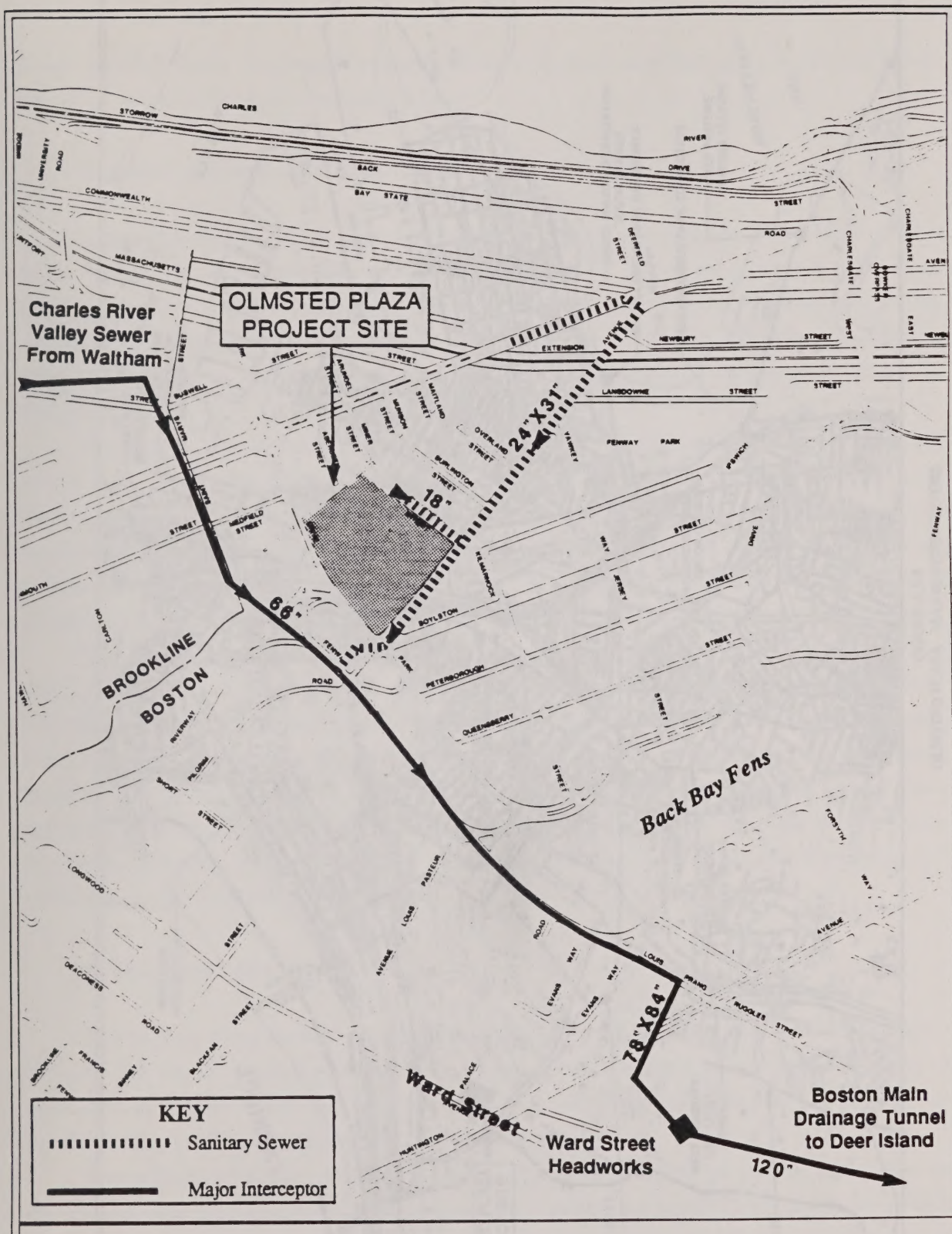


FIGURE 7.3-2
EXISTING LOCAL SEWER SYSTEM



FIGURE 6.3-2
OLMSTED PLAZA - MAJOR INTERCEPTORS
PROJECT SITE TO DEER ISLAND

Plant. At Deer Island, wastewater currently receives primary treatment and chlorination before discharge to Boston Harbor at President's Road.

Capacity Evaluation - Existing Facilities

A capacity evaluation has been made of the existing local sanitary sewers that link the Sears facility with the Charles River Valley Sewer (CRVS). This evaluation was based upon sewer sizes, slope and segment length data taken from BWSC wastewater system maps. The results of this capacity analysis, which are shown in Table 6.3-1, generally show that there is adequate capacity to accept additional sanitary flows from the redevelopment of the Sears facility.

The Sewage Division of the MWRA was consulted regarding the interceptor systems into which the Fenway area local sewers flow. The 66" CRVS, which has a peak capacity of approximately 30 million gallons per day (mgd), originates in Waltham and conveys dry weather, and some wet weather flows from communities along the Charles River through the Allston-Brighton and Fenway area to the MWRA Ward Street Headworks. The Ward Street Headworks which has peak capacity of 256 mgd discharges to the Boston Main Drainage Tunnel.

The Boston Main Drainage Tunnel with a peak capacity of 438 mgd discharges to the main pumping station at Deer Island. This main pumping station has a design peak capacity of 810 mgd, while the Deer Island Treatment Plant peak design capacity is 848 mgd. During peak flows in excess of the Deer Island Plant capacity the Ward Street Headworks is sometimes throttled in conjunction with the Columbus Park Headworks. At these times the excess flows are diverted to Cottage Farm on the Charles River in Cambridge and the Calf Pasture Pump Station on Columbia Point, respectively. These wet weather overflows receive screening and chlorination prior to discharge.

Project Wastewater Generation

The existing Sears facility consists of approximately 1.3 million square feet of floor space that was historically comprised of office, retail and warehouse space with a peak staff level of approximately 3,000. The proposed development will include 1,546,000 square feet of developed space as summarized in Table 6.3-2 and 6.3-2a.

The majority of the wastewater historically generated by the Sears facility, and that to be generated by the redevelopment is domestic sewage. Additional small discharges to the BWSC sewer system may include seasonal cooling tower water blowdown generated by air conditioning systems operation and heating system steam condensate, depending on the energy systems utilized.

TABLE 6.3-1**EXISTING LOCAL SEWER SYSTEM CAPACITY**

Segment Manhole to Manhole	Sewer Street Name	Segment Size (In.)	Length (Ft.)	Scope (Ft./Ft.)	Capacity (MGD)
142 - 137	Brookline	24" X 31"(27)	250'	0.0008	4.8
132 - 90	"	24" X 31"(27)	250'	0.0008	4.8
90 - 84	"	24" X 31"(27)	240'	0.0023	8.1
84 - 81	"	24"	85'	0.0036	7.6
81 - 80	"	24"	195'	0.0022	5.9
80 - P122	Charles River Valley	24"	25'	0.0392	25.1

TABLE 6.3-2

WASTEWATER GENERATION INFORMATION FOR PROPOSED OLMSTED PLAZASEWAGE GENERATION

(Based on Title V Data)

BROOKLINE AVENUE HOTEL ALTERNATIVE

<u>Structure</u>	<u>Use Category</u>	<u>Area (gsf)</u>	<u>Sewage (gpd)</u>	<u>Peak Cooling* Blow Down (gpd)</u>	<u>Total Wastewater (gpd)</u>
Main Building					
	Clinical	158,540	11,890	2,375	14,265
	Office	236,208	17,725	3,550	21,275
	R & D	523,517	39,275	7,850	47,125
	Retail	60,880	3,050	935	3,985
	Day Care	10,147	1,715	75	1,790
	Athletic Club	31,708	7,925	285	8,210
	Subtotals	1,021,000	81,580	15,070	96,650
Park Drive					
	Office	216,000	16,200	3,240	19,440
Brookline Avenue					
	Hotel(300-room)	309,000	33,000	3,600	36,600
	Totals	1,546,000	130,780	21,910	152,690

* Summer Use Only. Winter Operations May Provide Steam Condensate In Lieu Of Summer Cooling Blowdown.

TABLE 6.3-2a

WASTEWATER GENERATION INFORMATION FOR PROPOSED OLMSTED PLAZASEWAGE GENERATION

(Based on Title V Data)

BROOKLINE AVENUE OFFICE ALTERNATIVE

<u>Structure</u>	<u>Use Category</u>	<u>Area (gsf)</u>	<u>Sewage (gpd)</u>	<u>Peak Cooling* Blow Down (gpd)</u>	<u>Total Wastewater (gpd)</u>
Main Building					
	Clinical	158,540	11,890	2,375	14,265
	Office	236,208	17,725	3,550	21,275
	R & D	523,517	39,275	7,850	47,125
	Retail	60,880	3,050	935	3,985
	Day Care	10,147	1,715	75	1,790
	Athletic Club	<u>31,708</u>	<u>7,925</u>	<u>285</u>	<u>8,210</u>
	Subtotals	1,021,000	81,580	15,070	96,650
Park Drive					
	Office	216,000	16,200	3,240	19,440
Brookline Avenue					
	Office	<u>309,000</u>	<u>23,175</u>	<u>4,630</u>	<u>27,805</u>
	Totals	1,546,000	120,955	22,940	143,895

* Summer Use Only. Winter Operations May Provide Steam Condensate In Lieu Of Summer Cooling Blowdown.

1) Historical Wastewater Generation: Based on the historical peak staff level of 3,000, and utilizing Title 5 Guidelines, the historical average daily sewage flow is estimated as 60,000 gpd. Based on the size of the existing cooling tower, peak cooling water blowdown is estimated as 2,250 gpd. This peak cooling blowdown would have occurred during the summer, whereas the sewage flow is an estimated daily average which can be expected to occur on any day during the year.

2) Proposed Development: Wastewater generation estimates for the proposed Olmsted Plaza project were obtained in a similar fashion to the estimate of historical discharges for the existing Sears facility and, therefore, provide a standardized base for comparison. Results of the wastewater generation estimates are reported in Table 6.3-2 and 6.3-2a. Average daily domestic sewage generation for the Brookline Hotel Alternative has been estimated as 130,780 gpd and seasonal peak cooling water blowdown has been estimated as 21,910 gpd. Total peak wastewater flow during periods of peak summer cooling is the sum of these two amounts, 152,690 gpd.

Impacts and System Connections

The redevelopment of the Sears facility as Olmsted Plaza will contribute a maximum increase in wastewater flow of approximately 68,740 gpd, an increase of 210% over existing conditions. This estimated flow does not incorporate the moderating effects of water conservation components which will be utilized in the building designs and retrofit of the main building. These conservation components can reduce actual flows up to 15%. The engineering/planning division of the BWSC was consulted regarding this estimated increase in wastewater flows and they have indicated that adequate capacity exists in the Brookline Avenue sewer to accommodate this sewage flow increase.

If the existing sewer connection from the Sears facility is to remain it will be maintained during construction of the new facilities. If there is a conflict with proposed construction activities the existing connection will be relocated out of the impact area before construction begins.

New service connections will be provided as required during the phased construction of the new buildings associated with Olmsted Plaza. The construction of these connections will be incorporated into the Olmsted Plaza construction schedule in order to minimize the impact on adjacent streets, and to ensure that adequate facilities are available as required to service the project.

Permitting Requirements

For new construction projects requiring connection to the sewers, an application is made for a sewer connection permit in accordance with 324 CMR 7.00. Design plans/specifications are submitted to the responsible municipal official (in this case, BWSC) who reviews and forwards the application to the Department of Environmental Protection (DEP), Division of Water Pollution Control (DWPC). The permit application must be made ninety days prior to construction of the connection. It is uncertain at this time whether intended future uses would be regulated as "industrial process wastewaters", as such, the need for a Sewer Use Discharge permit will be evaluated on a case-by-case basis.

Mitigation Measures

The MWRA and BWSC were consulted regarding project compliance with the MWRA expressed goal of reducing the inflow of stormwater and the infiltration of groundwater into the sewage collection system by a 2:1 ratio of inflow/infiltration (I/I) reduction to new sewage flow. In areas with combined sewers this goal is addressed through the separation of storm and sanitary sewers on site and/or within local systems. Based on discussions with BWSC planning/engineering it is understood that at this time within areas such as the Fenway, where storm and sanitary sewers are separate systems, there is no program in place to identify project specific I/I reductions.

As stated in the existing systems section, during maintenance or periods when the Deer Island Treatment Plant design capacity is exceeded, the Ward Street Headworks is sometimes throttled with the overflow discharged to the Charles River at Cottage Farm in Cambridge. The sewage division of the MWRA was consulted to ensure that Olmsted Plaza is consistent with the ongoing Combined Sewer Overflow Facilities Plan process. Technical memorandum B3-7* deals with various requirements related to the restoration of the Fens and Muddy River as recommended in the 1982 CSO Facilities Plan. CSO facilities examined in predesign included the Muddy River screening facility which would have been located just north of the proposed Emerald Necklace Park at the downstream end of the Muddy River. The MWRA chose not to proceed with this facility since it would not have resulted in the reduction of CSO. The MWRA and its consultant have indicated that Olmsted Plaza will not affect any aspects of CSO facilities.

* Combined Sewer Overflow Facilities Plan, Technical Memorandum B3-7, Project P15-Predesign, Restoration of the Fens and Phase II in System Modifications in the Muddy River Subarea, Prepared for the MWRA by Whitman & Howard Inc., July 20, 1988.

6.3.2 Storm Drain System

Description of Existing Facilities

The existing Sears facility is serviced by a storm drainage system along Brookline Avenue known as the Muddy River Conduit. This conduit was built in the late 19th century and is owned and operated by the BWSC. Twin 72" culverts originating with an inlet structure at the downstream end of the Muddy River divert the flow of the Muddy River southeasterly beneath the site of the proposed Emerald Necklace Park to the Brookline Avenue Gatehouse, a below grade structure adjacent to the Park Drive intersection. An 84" X 108" conduit runs southerly from the gatehouse toward the Back Bay Fens and a 108" X 132" conduit (Muddy River Conduit) drains easterly along Brookline Avenue to Commonwealth Avenue where it turns northerly along Deerfield Street and outlets at the Charles River. The dry weather base flow of the Muddy River (4mgd +/-) normally enters the Muddy River Conduit and during wet weather overflow at the Brookline Avenue Gatehouse is directed to the Back Bay Fens. Figure 6.3-3 details the existing storm drainage facility located adjacent to the site.

Capacity of Existing Facilities

Technical Memorandum B3-7 examined, in part, the twin 72" conduits which link the Muddy River with the Brookline Avenue Gatehouse and the Muddy River Conduit. The findings and conclusions of that memorandum implied a wet weather system capacity of approximately 170 mgd and reported base-dry weather flows of 4 mgd at 0.1 feet per second. This system was constructed in the 1880's and record drawings were not available. Information contained on the wastewater system plans maintained by the BWSC indicates that a flat slope prevails throughout the Muddy River Conduit.

The maintenance division of the BWSC was consulted regarding the operation of this system. The BWSC indicated that no flow problems have been experienced with this system, and that the catch basin systems tied into the Muddy River Conduit have not been known to surcharge.

Impacts and System Connections

The site of the existing Sears facility is almost exclusively paved for surface parking and loading, with some minor landscaping along Brookline Avenue. Integral elements of Olmsted Plaza include the elimination of all surface parking and substantial improvements to the site

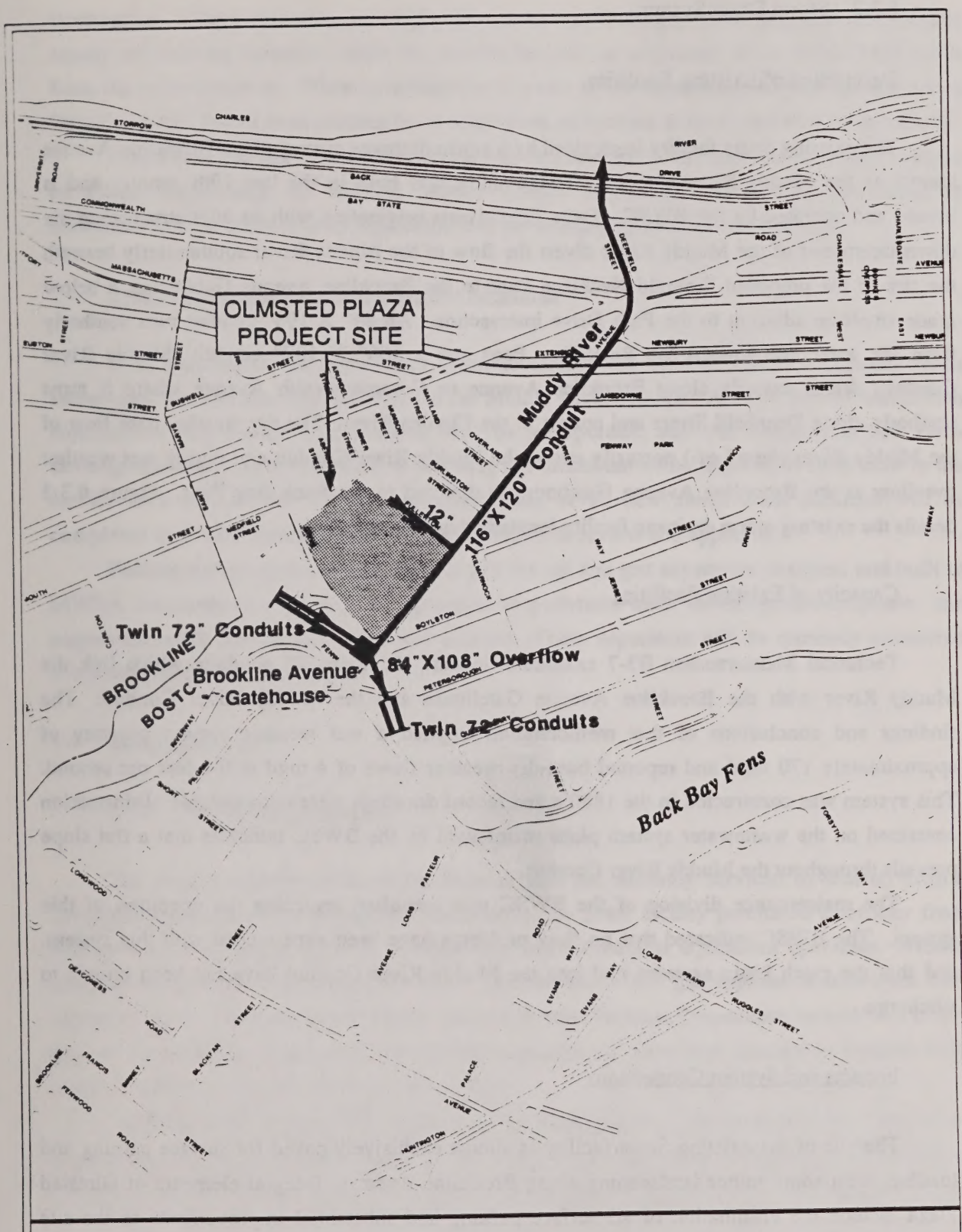


FIGURE 7.3-3
EXISTING STORM DRAINS IN PROJECT VICINITY

landscaping. These elements, in conjunction with a redeveloped total footprint that roughly equals the existing footprint, allow the conclusion that no additional storm runoff will result from the redevelopment. When consideration is given to the restoration of the nearly two-acre "Missing Link" Parcel from parking lot to urban park, reductions in storm runoff will be realized.

Storm drain service to the existing site will be provided at all times during redevelopment by either maintaining the existing service system in place, by temporary relocation or substitution of the system, or by replacement of the existing system by a new system.

System Improvements and Mitigation Measures

It is anticipated that new catch basin locations will be required to adequately drain stormwater runoff from Olmsted Plaza to the Muddy River conduit. All new service connection construction and system modifications will be incorporated into the overall Olmsted Plaza development construction schedule so that they are functional when required to carry flow in the service area of the site. Design and construction of all new storm drain facilities will be completed to BWSC standards and will be subject to its review and approval.

Parking garage drains will be discharged via oil and grit separators designed and built to MWRA standards to minimize the potential of pollutants such as oil, gasoline, grease, and suspended solids from entering the storm sewer. These separators will be routinely monitored and maintained by the developer.

6.4 Energy Systems

6.4.1 Energy Use Strategies

The primary energy needs of the Fenway area are currently serviced by Boston Edison Company and Boston Gas Company. Historically, the Sears facility purchased electricity from Boston Edison for all lighting, air conditioning and mechanical equipment operation. Natural gas from Boston Gas was utilized for boiler ignition and to test gas appliances associated with catalogue sales. Since the steam supply lines of Boston Thermal Corporation extend only to the area of Northeastern University, site heating requirements were met through an internal high pressure steam system with fuel oil fired boilers.

An element of the development project planning process is the determination of the most appropriate energy mix strategy by the developer and Mechanical, Electrical and Plumbing Engineer (MEP). The discussions that follow are based on the currently expected energy mix.

At this time, it is anticipated that the primary source for space heating for Olmsted Plaza will be the utilization of three nominal 600 BHP low pressure steam boilers, fired with natural gas for the main building, while electrically powered systems would be utilized for the Park Drive and Brookline Avenue buildings. All lighting, air conditioning and mechanical equipment operational requirements would be met electrically. It is anticipated that each occupied structure will have individual electric services with the idea that this provides for a more reliable and flexible facility operation.

6.4.2 Description of Existing Systems

Electric Service

The existing Sears facility is supplied with primary electric service by Boston Edison Company from their high voltage substation 329 located on Lincoln Street in Brighton. Electricity is fed from this substation through BECO's cable/conduit/manhole network in adjacent streets to the service substation 202 located on the Sears site. Two lines, 202-90 and 202-160 supply 13.8 kva electrical energy to a total of five on-site transformers which feed 120V/208V electricity to the facilities' secondary service.

Natural Gas Service

Low pressure gas is supplied to the Sears facility by the Boston Gas Company through its distribution network of gas mains which loop throughout the city. A 6" service extends from Park Drive to a meter location in the boiler plant of the Sears facility. This boiler plant contained four high pressure steam boilers, with a total of 1529 BHP, fired by #4 & #6 fuel oil, with ignition by natural gas pilots.

6.4.3 Capacity of Existing Facilities

Electric Service

Discussions with the engineering division of Boston Edison Company indicate that the existing substation 329 has a rated capacity of 300 mva and is currently carrying a load of approximately 175 mva. Based on this excess capacity, BECO has indicated they will be able to satisfy the increased electric load in the project area without major modifications to the distribution network.

Initial evaluations of the distribution system indicate that the existing transformation is not adequate to service the proposed project. Details for the location and size of primary service vaults and primary transformation will be the subject of ongoing discussions with BECO representatives.

Natural Gas Service

Initial discussions with Boston Gas Company representatives indicate that adequate supplies of gas are available to service a greater demand in the city than is presently experienced by their system. Boston Gas has stated that the increase in gas demand imposed by the proposed project can be serviced with modifications to the existing distribution system.

The 6" service connection to the Sears facility from Park Drive has an estimated capacity of 4,000 cubic feet/hour which is inadequate to meet the anticipated load and will be replaced.

6.4.4 Historical Energy Requirements

Since meter records were not readily available for the historical operating period of the Sears facility efforts to develop existing/historical energy use information were based on standard estimating techniques and discussions with the facility superintendent.

Electric Use

Annual electric use data for the Sears facility is presented in Table 6.4-1. Included is the electricity to satisfy lighting, mechanical equipment and air conditioning requirements. It should be noted that only a small portion of the facility was provided with air conditioning.

The annual electric use for the Sears facility was approximately 8.9×10^6 kwh/yr with a peak demand estimated as 4 megawatts.

Natural Gas Use

Natural gas did not play a major role as an energy source for the Sears facility since the steam plant was fired with #4 and #6 fuel oil. Gas use was essentially limited to boiler ignition and to test the gas appliances associated with catalogue and retail sales.

TABLE 6.4-1

**ANNUAL ELECTRIC USE FOR EXISTING STRUCTURE
AND PROPOSED PROJECT**

(KWH/YR X 10⁶)

Structure	Existing Area (gsf)	Estimated Historical Electrical Use	Proposed Total Area (gsf)	Estimated Electrical Use*
Main Sears Building	1,299,986	8.9	----	----
Office	----	----	236,208	2.5
R&D	----	----	523,517	34.5
Retail	----	----	60,880	7.5
Other	----	----	200,395	6.1
Park Drive				
Office	----	----	227,000	4.6
Brookline Avenue				
300-Room Hotel	----	----	309,000	5.4
Totals	1,299,986	8.9	1,557,000	60.6

-
- * Electric Use
Main Building - Lights, Mechanical Equipment and A/C.
Park Drive - As for Main Building Plus Heat & Hot Water.
Brookline Avenue - As for Park Drive.

6.4.5 Proposed Project Energy Requirements

Projected energy requirements for Olmsted Plaza are based on the utilization of two energy sources. Currently the expected energy use strategy is as follows:

<u>Energy Source</u>	<u>Use</u>
Electricity	Lighting, Mechanical Equipment Operation, Heating, Domestic Hot Water and Air Conditioning.
Natural Gas	Heating, Humidification, Domestic Hot Water and Kitchen Use.

Table 6.4-2 presents a comparison of total energy use of the Sears facility and the proposed Olmsted Plaza development.

Electric Use

It is anticipated electricity will be utilized to satisfy all lighting, mechanical equipment operation, and air conditioning requirements in addition to the heating and domestic hot water needs of the Park Drive and Brookline Avenue buildings. It is anticipated that air conditioning requirements can be satisfied most efficiently electrically as opposed to alternative energy sources. Information relative to annual electric use for Olmsted Plaza is presented in Table 6.4-1. The annual electricity consumption is estimated as 60.6×10^6 kilowatt hours per year, with a peak load of 18.3 megawatts.

Natural Gas Use

Natural gas utilization will play a significant role in satisfying Olmsted Plaza's energy needs. It is currently anticipated that all space heating requirements for the main building will be satisfied through natural gas fired low pressure steam boilers. Table 6.4-3 presents information regarding natural gas utilization projections for Olmsted Plaza. The annual natural gas use has been estimated as 67.9×10^6 cubic feet per year, with a peak load of 54,285 cubic feet per hour.

TABLE 6.4-2

TOTAL ENERGY USE INVENTORY

(BTU/YR X 10⁹)

<u>Structure</u>	<u>Existing Area (gsf)</u>	<u>Existing Energy Use</u>	<u>Proposed Area (gsf)</u>	<u>Proposed Energy Use</u>
Main Sears Building	1,299,986	30.4*	1,021,000	238.5
Park Drive	-----	-----	227,000	15.7
Brookline Avenue	-----	-----	309,000	20.4
	-----	-----	-----	-----
Totals	1,299,986	30.4	1,557,000	274.6

* Includes electricity useage only.

TABLE 6.4-3

**ANNUAL NATURAL GAS USE FOR EXISTING STRUCTURE
AND PROPOSED PROJECT**

(CF/YR 10⁶)

<u>Structure</u>	<u>Existing Area (gsf)</u>	<u>Historical Gas Use</u>	<u>Proposed Total Area (gsf)</u>	<u>Estimated Gas Use</u>
Main Sears Building	1,299,986	Not Avail.	1,021,000	65.9
Park Drive	----	----	227,000	----
Brookline Avenue	----	----	309,000	2.0*
Totals	1,299,986	?	1,557,000	67.9

* Kitchen Use Only.

6.4.6 Impacts and System Connections

Electric Service

The redevelopment will result in a greater utilization of electricity for typical uses, air conditioning and heating. The estimated annual electric requirements for Olmsted Plaza are contained in Table 6.4-1 demand amounts to 60.6×10^6 kwh/yr.

It is not anticipated that new substations or major modifications will be required in the Boston Edison distribution facilities to meet the specific requirements of Olmsted Plaza. Boston Edison has stated that excess capacity exists at the Lincoln Street substation. This seems to be contrary to public perception that the existing system is subject to periodic failures. Discussions with the Boston Edison Company have indicated that within the Fenway area it is possible to obtain primary electric service through the 4.9 kva direct distribution system, or through the 13.8 kva subtransmission system which is more reliable with infrequent outages. The Sears facility is currently supplied, as will be the case for Olmsted Plaza, with primary electric service through the 13.8 kva system. The reports that power outages are common in the Fenway/Audubon Circle area are related to primary electric service from the 4.9 kva system. The electric needs of Olmsted Plaza can be met through the 13.8 kva system without exacerbating the outages experienced within areas serviced through the 4.9 kva system.

No adverse impact is anticipated in servicing facilities adjacent to the project site during construction. Electric service to existing facilities will be maintained at all times. This will be accomplished by either maintaining existing facilities in place, temporarily relocating facilities during construction, or replacing existing facilities with new facilities built in conjunction with the development.

Natural Gas Service

Natural gas is expected to be utilized to satisfy all space heating and domestic water heating for the main building and limited to kitchen use for the Brookline Avenue building. The estimated annual usage is reported in Table 6.4-3 and amounts to 67.9×10^6 cubic feet per year with a peak load of 54,285 cubic feet per hour. Boston Gas is reviewing the status of their existing mains surrounding the site, it has been indicated that the increased demand can be serviced with modifications to the distribution system and the sites service connection. These modifications will be the subject of ongoing discussions with Boston Gas Company and will be designed as the energy use strategy is finalized.

6.4.7 System Improvements and Mitigation

Electric Service

New service to Olmsted Plaza will be supplied by the construction of three network vaults supplied with four 13.8 kva service connections with the Boston Edison subtransmission system. Utilization voltage will be 480Y/277V, three phase, four wire, 60 hz which requires replacement of the existing on-site transformers. Location and design of the network vaults, primary transformers, details of proposed modifications and implementation schedules will be coordinated throughout design and construction with Boston Edison. Costs of any modifications required to either the BECO system or on-site systems will be born by the development, either through direct implementation of the modification, or through anticipated revenues accruing to BECO by the development with no costs to other customers.

Natural Gas Service

Based on the current energy use strategy, the existing local distribution system will require improvements such as construction of new facilities or augmented facilities within the area of the site. Boston Gas Company is reviewing the status of its existing mains surrounding the site. It is premature to identify specific gas main replacements and as such discussions with Boston Gas Company will be ongoing as the energy use strategy is finalized.

Modifications to the gas system will be incorporated into the general build out schedule of the development to minimize any adverse impacts on existing users and on adjacent travel ways. Costs of modifications to the gas system will be born either by the developer or indirectly by the development through anticipated increases in Boston Gas revenue.

6.4.8 Telecommunications Systems

Description of Existing Facilities

Basic telecommunication services are supplied to the Sears Building by the New England Telephone Company (NET). These services are provided by their Back Bay Central Office (CO) through a conduit and manhole system located in area streets. Normal dial tone service to the Sears site is primarily by way of fiber and copper circuitry.

Measures to Accommodate Development

Discussions with NET representatives* indicate that the Back Bay CO has available switching capacity to accommodate the level of additional future load anticipated by the redevelopment of the Sears site. The existing cable, conduit and manhole systems also appear to be adequate to sustain the new development. Further investigation by NET will be necessary, as the building design proceeds, to verify the adequacy of the cable system.

It is anticipated that the new development will be serviced by a combination of fiber optic and copper circuitry. All work on the telecommunications system will be performed to NET standards and will be subject to their review and approval. Costs of on-site system modifications will be borne by the developer.

* Personal communication with Mr. Jesse Downey, New England Telephone Company, December 28, 1989.

7.0 RESPONSE TO COMMENTS

The formal public comment period on the combined DPIR/DEIR began on October 3, 1989 with the issuance of a notice of availability published in the Boston Herald, and formally ended on November 13, 1989 at the conclusion of the 30 day public comment period mandated by MEPA regulations. Within that time frame the following groups, institutions and individuals submitted written comments:

1. Fenway Garden Society
2. Friends of the Muddy River
3. Children's Hospital
4. MDC
5. B. McKinley
6. 448/452 Park Drive Condominium Association
7. Charles River Watershed Association
8. Boston Fenway Program, Inc.
9. KAFNI
10. MASCO
11. Boston Transportation Department
12. Riverway Square Condominium Trust
13. Wheelock College
14. Boston Parks and Recreation Department

Each of these comment letters, as well as the MEPA certificate, is included in this section of the FPIR/FEIR. In the right hand margin of the certificate and each letter, the comments have been numbered. Following each comment letter is a set of corresponding numbered responses by the proponent. An effort has been made to provide a thoughtful response to each comment or question posed.

Several additional comments were forwarded to the proponents after November 13, 1989. A detailed response to each of these late filed comments has been drafted as well. This set of comments consists of letters from the following:

1. Department of Environmental Management
2. Executive Office of Transportation and Construction
3. Massachusetts Historical Commission
4. Boston Environment Department
5. Stephen Kaiser
6. Audubon Circle Neighborhood Association
7. MBTA
8. Boston Water and Sewer Commission
9. MWRA

The proponent would like to point out that its public involvement efforts have gone far beyond compiling responses to the 23 letters cited above and the MEPA Certificate. Representatives of Olmsted Plaza have met regularly with State and City agencies, and with interest groups and neighborhood groups since the inception of the project. These meetings have included presentations and sometimes spirited dialogue, and have resulted in a series of project refinements and commitments to mitigate impacts. The proponent believes this program, which continued well after the closure of the public comment period, has been most fruitful. By the time the BRA Board concluded its public hearings on the Planned Development Area (PDA) application for the project on November 30, 1989, several of the authors of the comments enumerated above testified in support of the project; none testified in opposition. As a result, the BRA Board voted unanimously to grant the PDA application. The proponent believes that most of the comments that follow have been answered to the satisfaction of the entities and individuals who have been meaningfully involved in the public reviews of Olmsted Plaza.



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS

November 20, 1989

MICHAEL S. DUKAKIS
GOVERNOR

JOHN DEVILLARS
SECRETARY

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
DRAFT ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Olmsted Plaza Project
PROJECT LOCATION : Boston
EOEA NUMBER : 7643
PROJECT PROPONENT : Olmsted Plaza Assoc.
DATE NOTICED IN MONITOR : October 13, 1989

The Secretary of Environmental Affairs herein issues a statement that the Draft Environmental Impact Report submitted on the above project adequately and properly complies with the Massachusetts Environmental Policy Act (G.L., c.30, s61-62H) and with its implementing regulations (301 CMR 11.00).

Omission of comments on the Environmental Notification Form and omission of the BRA Scope for the PNF made it difficult to assess the adequacy of the DEIR/DPIR. These omissions could be grounds for rejection. In deference to the time constraints of the proponent, the Olmsted Plaza project is being allowed to proceed to the FEIR/FPIR stage. However, a decision of adequacy on the FEIR/FPIR will in part be based on inclusion of copies of all comments received during the DEIR/DPIR review, detailed responses to those comments, and a copy of the BRA decision on the DPIR.

Olmsted Plaza is a complex project, deserving of a sensitive, thorough review, which can best be achieved during the normal MEPA time schedule and in close coordination with the BRA review process. Greater effort must be made by the proponent to coordinate both processes to ensure that the FEIR/FPIR is a complete document which satisfies both MEPA and BRA concerns.

The FEIR must respond in detail to the many public and agency comments. These should be categorized with a focus on, but not limited to, Traffic, Mitigation, Transit, Parking, Flood Plain/Wetlands, Pedestrian Circulation, and Landscape. In order to facilitate review, margins of the text of comments should be

clearly marked to indicate where responses are to be found in the text of the document. In addition to detailed responses to comments, the following issues must be addressed.

TRAFFIC

The traffic analysis raises concern regarding data/assumptions and operations. Existing peak hour counts were taken during June, July and August and are not representative of actual traffic conditions. It appears that a seasonal adjustment is warranted or traffic counts must be taken during a more representative time period. The same holds true for data used in the transit, parking, and pedestrian circulation analysis. These analyses must be adjusted accordingly. ③

The Draft references 523,817 s.f. of R & D space. The proponent should define R & D as proposed for this project. If an inappropriate land use code has been utilized, it may serve to underestimate traffic generation. ④

Errors and inconsistencies regarding storage availability, queue length data, signal phasing and lane movements seriously put in doubt capacity analysis. Refer in particular to technical comments from MASCO and Steve Kaiser. ⑤

A "back door" entrance to the site is proposed via the Maitland Street connector, which would serve to join Maitland Street with Fullerton Street. Traffic studies have been conducted for the "Build" case with and without the connector in place. If the connector option is to be pursued, the FEIR/FPIR must supply information as to how this will be accomplished. Have property owners been notified; what approvals are necessary; is EOTC approval necessary for the closing of the Miner St. bridge? If this is not a viable option, then the "build" traffic analysis must take into consideration the existing rear access/egress to the site via Miner St. and its impact on the Audubon Circle neighborhood. ⑥

Although the claim is made that there is no difference in level of service with or without the connector in place, it should be noted that during the AM peak hour Kenmore Square experiences a decrease in LOS from D to F with the Maitland St. connector. The Maitland St. connector is offered as one of the major public benefits of the project (pg. 10-4), and a means of improving traffic conditions, but page 3-46 makes the statement that "it is hard to justify the cost of building this new

connection as a traffic flow improvement measure." It seems we are being presented with conflicting information which must be clarified in the FEIR/FPIR.

MITIGATION

The Olmsted Plaza project will have a major impact upon the roadway network in the Kenmore Sq./Fenway area. This area currently experiences severe traffic problems, as indicated in the traffic analysis. Of the 24 intersections studied, 14 currently operate at level of service E/F, with an anticipated drop in level of service at six additional intersections with the project in place.

The mitigation package which has been presented has several serious flaws, the most outstanding of which relates to a lack of specific commitment to mitigation measures. As stated in the DEIR/DPIR itself, traffic impacts need not be "an inhibiting factor in the development of Olmsted Plaza, provided agreements on the financial responsibility and timing for mitigation measures can be negotiated." It is clear that this has not as yet been done and until a successful conclusion has been reached in this regard, the adequacy of the Final document will be seriously compromised. A comprehensive mitigation scheme, dealing with all of the concerns stated below must be presented in the FEIR/FPIR. Proponent responsibility must be clearly defined and letters of commitment from appropriate state and city agencies should be included. (7)

Proposed mitigation involves elimination/restriction of approximately 70 on-street parking spaces. This poses an additional impact upon the already limited resident parking conditions within the project area. The types of displaced spaces must be defined and means for compensation discussed. An explanation of the Boston parking freeze and how it relates to Olmstead Plaza must be presented. (8)

The FEIR/FPIR must contain a discussion of project phasing and how it fits in with the mitigation stream. As expressed in several comments and a recent newspaper article, the proponent has been asked to consider a development scenario encompassing three, rather than two phases. Further information should be provided regarding the feasibility of such an option. Necessary mitigation to support Phase I and Phase II, and possibly Phase III, must be clearly identified. The level of development which can be adequately supported by mitigation proposed and committed to by the proponent must also be identified. (9)

A wide variety of traffic mitigation options were presented in the DEIR/DPIR. The preferred mitigation scheme involves intersection-specific improvements to 19 of the 24 intersections analyzed. These options and their feasibility must be discussed with appropriate city and state officials. The feasibility of implementation, costs and responsibility of these measures must be addressed along with scheduling. (8A)

The DEIR/DPIR makes the assumption that the majority of Olmsted Plaza would utilize a transit mode split of 44 %. This assumption appears to be in the high range and should be substantiated. MAPC should be consulted for guidance in arriving at a more realistic figure. In order to raise the mode split by 10-15% as proposed, an extremely aggressive Transportation Management System will have to be in place. These strategies must be expanded upon and specifics provided regarding implementation. (11)

Although the proponent has stated they will be working with MASCO regarding improvements to local bus service, it appears that negotiations have not yet begun. The FEIR/FPIR must provide specific information as to what improvements and expansion plans will be considered. Details regarding implementation and financial responsibility should also be provided. (12)

Plans to increase parking capacity in the garage from 1525 to 2052 seem to be at odds with promotion of public transit use. Consideration should be given to reducing the size of the garage, opening the garage at 9 AM to discourage use by employees, and satellite lots with shuttle bus to the site. More information should be provided regarding fare structure and space allocation in the garage. Special consideration should be given to resident parking needs. (13)

The letter of comment from Steve Kaiser outlines additional areas regarding mitigation deficiencies which must be addressed. The Final document must fully respond to his concerns. (86)

TRANSIT

Public transit is an important component of the Olmsted Plaza project, however, the transit mitigation scheme relies heavily upon the MBTA for implementation. These measures include a new Fenway Park Green Line station, a cross over switch, and increasing the number of three-car trains. At this time, the MBTA has no plan for financing these measures, nor for upgrading/rebuilding the Fenway station, which is adjacent to the (14)

Olmsted site. The proponent must take responsibility for upgrading the station if employees are to be encouraged to utilize public transportation and therefore reduce traffic impacts. MBTA and EOTC have provided suggestions as to how this can be accomplished; for example, the "Adopt a Station" concept. The proponent must meet with officials of both agencies to determine the cost of mitigation measures and reach an agreement as to how and when they will be implemented. Financial responsibility must be identified. Consideration should be given to a joint venture with other developers in the area who might be willing to fund transit improvements.

LANDSCAPING

Friends of the Muddy River and the Fenway Garden Society have expressed serious concern regarding the twin 72-inch conduits enclosing the Muddy River beneath the Olmsted link, and the flow behavior of the river as it relates to flood plain and wetlands regulations. They recommend restoration of the Muddy River to open channel flow which would improve aesthetics, water quality and alleviate flood plain concerns. A thorough discussion of these concerns must be provided in the FEIR/FPIR. The DEM Olmsted Historic Landscape Preservation Program supports the proposal to restore the open water course to the park site as part of the Emerald Necklace Master Plan. Suggestions contained in their letter of comment must be given serious consideration.

MISCELLANEOUS

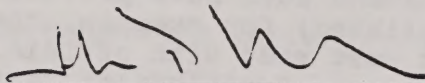
The Pedestrian Circulation study should be expanded upon to include pedestrian access to the Olmsted Park.

It appears evident that a component of the project involves bio-medical research. Such a use raises concern regarding hazardous substances, chemicals, radioactive and biological materials, and methods for handling, storage, and disposal of such materials. The FEIR/FPIR must clarify the extent to which the project involves this use and its implications.

Additional issues raised in letters of comment on the DEIR/DPIR must be given detailed response. In summary, these issues include: Construction Impacts, Hazardous/Solid Waste, Water and Sewer, Conservation Measures, Infrastructure, Drainage.

The FEIR/FPIR must be distributed in accordance with 301 CMR 11.24 and to all who have commented on the DEIR/DPIR.

November 20, 1989
DATE


John DeVillars, Secretary

Comments received :

11-13-89 DEM
11-13-89 Friends of Muddy River
11-13-89 Stephen Kaiser
11-12-89 KAFNI
11-14-89 Audubon Circle Neighborhood
11-13-89 Fenway Garden Society
11-3-89 MASCO
10-20-89 Barbara McKinley
10-31-89 David Peck
11-1-89 Boston Fenway Program
11-11-89 Board of Managers/452-448 Park Dr.
11-13-89 Boston Transportation Dept.
11-14-89 MWRA
11-9-89 MDC
11-9-89 Boston Water & Sewer
11-20-89 EOTC

JD/CG/cg

MEPA 1

The principal authors of the DPIR/DEIR were not aware, until they received this comment, and reviewed the regulations, that there was any requirement to include copies of the comments themselves in the DPIR/DEIR. The authors incorrectly believed that it was necessary to include only the scoping certificates in the document, particularly given the fact that the MEPA scope did not reference the need to specifically address certain of the public comments, as it often does.

In response to this comment, the FPIR/FEIR, however, includes each of the comment letters filed on the DPIR/DEIR, including the nine sets of late-filed comments received after November 13, 1989. The FPIR/FEIR also includes detailed responses to each comment received, and a copy of the Preliminary Adequacy Determination by the BRA (Appendix I). The comments to the ENF are on file at MEPA. Copies will be furnished to anyone that requests them. No such requests have been received to date.

MEPA 2

The proponent is taking extensive efforts to see that the City and State processes are well coordinated to respond to both MEPA and BRA concerns. This document, for example, contains the new technical efforts required by both the BRA and MEPA (Section 2.2). Likewise, this document contains the commitments and responses submitted to both the City and the State. The filing of a joint document is another example of the proponents commitment to coordinating the MEPA and BRA processes. If there are areas in which MEPA believes the effort is insufficient, Olmsted Plaza Associates is prepared to take corrective action.

MEPA 3

The DPIR/DEIR incorrectly identified the dates of the original traffic study for the 24 study area intersections as occurring during the months of June, July and August (p. 3-7). In fact, of the 26 intersections that have been studied, 14 were counted in April, 10 were counted in June and July, and two were counted in November. Of the 10 intersections that were counted during the summer months, a majority matched fairly closely or showed higher volumes than the corresponding counts taken for the MASCO traffic report (see MASCO 2). One intersection, Brookline Avenue at the Riverway, showed a significant drop in traffic volume. This intersection was counted again in November. The results show an insignificant rise in traffic volumes when comparing the June counts to the November counts. For this reason, no

adjustment factor was used for the summer counts. Section 3 of this report describes this issue in some detail. The computer backup data is supplied in Appendix II.

The transit study at Fenway Park Station was also reconducted in November with the results discussed in Section 3 and Appendix II. Pedestrian and Parking issues are addressed in Audubon Circle 9 and Sections 3.6 and 3.7, respectively.

MEPA 4

The ITE Manual defines "Research Center" (Land Use Code 760) as:

"facilities or groups of facilities devoted nearly exclusively to research and development activities. While they may also contain offices and some light fabrication areas, the primary function is that of research and development.

Gross floor area per employee averaged 450 square feet or approximately 2.2 employees per 1,000 square feet of floor area."

The Institute collected data from 18 separate research centers to develop the AM/PM peak hour trip rates.

The correlation is a measure of the degree of linear association between 2 variables. The correlation computed by ITE for the PM peak hour was 0.820, which is quite good.

It is the developers' intention to provide 523,817 s.f. of Research and Development space for medical, and technical research facilities.

MEPA 5

The technical comments regarding intersection operations at selected locations have been reviewed carefully and taken into consideration in Section 3.0, the updated traffic analysis. Responses to both the MASCO and Kaiser letters have been provided, as well.

MEPA 6

Early in the process of studying project traffic impacts the traffic engineers predicted that the creation of a Maitland Street Connector might have the ability to provide significant improvements in local traffic flow. Therefore this possibility was suggested as a potential

public benefit to be explored. The detailed studies, however, concluded that the benefits of this design are limited, and the costs are high. The return on the investment of mitigation dollars with this design is quite poor. Accordingly, the concept has been dropped from further consideration. This is more fully explained in Section 3.1.

MEPA 7

Section 3 of the FPIR/FEIR contains a considerable amount of detail on the mitigation efforts planned for Olmsted Plaza. Specific details of the proponent's commitments are also included in the Transportation Access Plan Agreement between the Boston Transportation Department and the proponent. A copy of that agreement is attached as Appendix VI. Included in that appendix are letters from the agencies with an interest in the proposed mitigation plans, as well as the Cooperation Agreement between the City and the developer.

MEPA 8

Since the DPIR/DEIR submission, the developer has worked closely with various City and State agencies that will be involved in the development and implementation of the mitigation schemes, specifically the Boston Transportation Department, the Metropolitan District Commission and the MBTA. The Transportation Access Plan Agreement (Appendix VI) with the City of Boston spells out in detail the proponent's responsibilities with respect to local transportation issues. A letter from Commissioner Bhatti of the MDC expressing his agency's support for the proponent's plan and other correspondence from the MBTA and MASCO are evidence of the cooperation between the involved agencies and the developer, and are also included in Appendix VI. The specific details of the agreement with the MBTA will be finalized when architects for the developer and the MBTA mutually agree upon a re-design of the Fenway Park MBTA Station.

MEPA 8A

In the DPIR/DEIR, the traffic engineers suggested a comprehensive set of mitigation measures for the roadway system surrounding the project area. The measures suggested all feasible means for improving the network, rather than suggesting only those measures necessary to attain a "no impact" situation. No attempt was made in the DPIR/DEIR to assign responsibility for funding or implementing the wide range of improvements, since no cost estimates existed at that time, and because none of the agencies with jurisdiction had seen the

proposed list of mitigation measures prior to the publication of the DPIR/DEIR (i.e. the mitigation designs had been developed and first presented in the DPIR/DEIR). Discussion of which circulation systems and which mitigation measures should be adopted have ensued based upon the materials presented in the DPIR/DEIR.

The proponent concluded that it was prepared to either design and undertake a \$500,000 traffic mitigation program, or to provide a design for a more comprehensive program (a descendant of the program outlined in the DPIR/DEIR) to which it would contribute \$500,000. The Boston Transportation Department encouraged Olmsted Plaza Associates to do the latter. The mitigation plan that flows from this decision is described in Section 3.4 of this report. The commitment of the proponent is documented in the Transportation Access Plan Agreement that is included in Appendix VI. The proponent has provided a suggested schedule for implementing the mitigation program, and has committed to making all of its funding available prior to occupancy of any Phase II facilities.

MEPA 9

The total number of on-street parking spaces that will be eliminated by the project are listed below.

<u>Location</u>	<u># Spaces</u>	<u>Existing Utilization</u>	<u>Type</u>
Park Dr. between Site and Beacon St.	14	100%	Free parking
Brookline Ave. between Park Dr. and Fullerton St.	15	76%	2H-Meter
Fullerton St.	<u>21</u>	67%	Free Parking
TOTAL	50		

To mitigate parking space eliminations, the developer has committed to provide evening and weekend residential parking in its parking facilities (see Section 3.7).

In order to assure the project's success in the competitive market, self-sufficient parking facilities have to be provided to accommodate the site demand. However, the developer has committed to manage its parking facilities in an effort to minimize impacts on the surrounding parking system and to discourage auto use to the site. The detailed parking management strategies which focus on these objectives are thoroughly discussed in Section 3.7 of the FPIR/FEIR and in the Transportation Access Plan Agreement (Appendix VI).

MEPA 10

To the best of our knowledge, KAFNI 22 is the only comment that suggests considering a three-phase project. A detailed response to that comment has been provided.

A comment from the 448/452 Park Drive Condominium Association also suggests that the project should be reexamined after Phase I is complete (without suggesting that Phase II should be subdivided into Phases II and III). The response to KAFNI applies to this suggestion as well. Note that both the Cooperation Agreement and the Transportation Access Plan Agreement (Appendix VI) specifically tie future building approvals to documenting the success for mitigation efforts and funding.

MEPA 11

Olmsted Plaza Associates is required to strive for the aggressive mode splits specified by the Transportation Access Plan Agreement with Boston Transportation Department (see Appendix VI). The measures to be taken to encourage this split are enumerated in that agreement. Please also note that in its letter Children's Hospital states that it is exceeding the targets cited in the DPIR. They believe, based upon their employee surveys, that we may be overestimating auto splits.

The mitigation target of increasing transit ridership by 10 to 15 percent is based on the study by the U.S. Department of Transportation in 1984, titled "Traffic Mitigation Reference Guide." Based on the study results, if the developer will fully implement the mitigation strategies set forth in the Transportation Access Plan, the target can be achieved. It should be noted that the 10 to 15 percent increase is in the transit ridership, but not the overall project mode split. If the target can be achieved, it will result in an increase in the transit mode split of 5 to 7 percent.

MEPA 12

The proponent has in fact begun negotiations with MASCO, the area Transportation Management Organization, relative to making shuttle bus service available to Olmsted Plaza tenants and workers. Please see Appendix VI which outlines the preliminary agreement between the proponent and MASCO.

MEPA 13

In Section 2.1, the FPIR/FEIR explains the revised parking concept devised in response to comments on the DPIR/DEIR. The new concept splits parking between two garage sites with a total of 1649 spaces. The proponent believes this concept is consistent with the goal of promoting the use of public transportation. Section 3.7 of the FPIR/FEIR also provides more detail on the allocation of parking spaces to the various categories of users. Still more detail on parking space allocation and rate structure is included in the Transportation Access Plan Agreement, which is attached as Appendix VI.

MEPA 14

The proponent has agreed to adopt Fenway Park Station as a condition for implementing the second phase of the project (see Appendix VI). The developer will not only build a new station, but has agreed to maintain it for a period of 25 years.

MEPA 15

The proponent's position on this issue is thoroughly discussed in its response to the letter of comment by the Fenway Garden Society.

MEPA 16

The detailed pedestrian circulation plan, including the access between the site and Fenway Park Station, has been provided in Section 3.6.

MEPA 17

Section 2.2 of this report outlines a preliminary Solid and Hazardous Wastes Management Plan. Furthermore, a Final Solid and Hazardous Wastes Management Plan will be completed after review of comments on the FPIR/FEIR.

13 November 1989

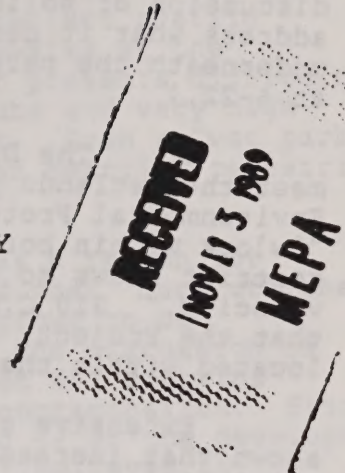
John P. DeVillars, Secretary
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, Mass.

COMMENTS OF
FENWAY GARDEN SOCIETY

on

DPIR/DEIR
OLMSTED PLAZA

EOEA File no. 7643



Dear Secretary DeVillars:

As part of its redevelopment of the Sears Kenmore distribution center, Olmsted Plaza Associates has acquired the Sears, Roebuck and Company parking lot across Park Drive from the Sears building and proposes to reconstruct this lot as parkland and then convey it to the City of Boston or a designee. (DPIR/DEIR at 2-1.). The original conveyance of this land to Sears severed Boston's "Emerald Necklace," the historic parkland designed by Frederick Law Olmsted, from whom the proposed Project takes its name.

This parking lot is designated separately as the "Park Site" in the DPIR/DEIR. What the developer proposes to build there is a "dry park" with a "meandering planting bed" symbolizing the Muddy River and stone dust pathways intended to "recall the curvilinear patterns found throughout the Emerald Necklace" (DPIR/DEIR at .627 and Fig. 6-28.) In proposing this plan, the DPIR/DEIR rejects the plan prepared by the Commonwealth's Department of Environmental Management as part of the Olmsted Historic Landscape Preservation Program to restore the Olmsted parks.

The restoration of this land to parkland is unquestionably a significant step toward restoration of this precious urban resource. By its terms, however, the Project proposes to leave untouched the Muddy River course through culverts under the park and merely to make "a gesture to the river course" that the DPIR/DEIR describes as "formerly" running through the park site. (DPIR/DEIR at 10-6.)

In fact, the Muddy River still runs through the site through twin culverts from the Riverway across Brookline Avenue. The DPIR/DEIR fails to address the significance of this course. First, the DPIR/DEIR inadequately deals with the impact of the Wetlands Protection Act, M.G.L. c. 131, Section 40. Second, the proposal rejects opening of the Muddy River too cavalierly based on undocumented considerations of

pedestrian traffic and silt excavation. Finally, the DPIR/DEIR discussion of solid and hazardous waste fails altogether to address what it describes as the likelihood that sediments underneath the park site are "contaminated." (DPIR/DEIR at 6-22.)

1. The DPIR/DEIR acknowledges that the Project must meet the wetlands protection regulations of the Department of Environmental Protection, which include the requirement that "[w]ork within bordering land subject to flooding ... shall not restrict flows so as to cause an increase in flood stage or velocity." 310 C.M.R. 10.57(4)(a)(2). The report also assumes that the Project, including the Sears building site itself, is located within the 100-year floodplain. (DPIR/DEIR at 4-56.)

Extensive study of the Muddy River and Back Bay Fens has shown that increasing flow from the Muddy River to the Fens is critical to restoration of the quality of both streams. See CH2M Hill Team, Combined Sewer Overflow Facilities Plan, MWRA Technical Memorandum B37 (July, 1988); DEQE DWPC, Muddy River - Back Bay Fens 1986 Water Quality Data and Water Quality Analysis (Feb. 1987). According to the CH2M Hill Team, the conduits under the Sears parking lot are at least half filled with sediments and debris. CH2M Hill Team, *supra*, at 2-1. Because these conduits are a critical obstruction, cleaning or removal of these conduits is a major and cost-effective step toward overall restoration of the Emerald Necklace.

By recovering the conduits, the Project will contribute to this significant restriction on the flow of the Muddy River that in turn increases the flood stage or velocity at the point of the proposed park site. The conduits under the site effectively act as a dam within the floodplain. The practical of placing a new park over them is to reinforce this dam and reduce the likelihood of prompt opening.

The DPIR/DEIR also disregards the effect of the dam on its floodplain analysis. It relies on a Federal Emergency Management Agency Flood Insurance Study (Figure 4.5.2) which finds that "the 100-year flood should be completely contained within this culvert." DPIR/DEIR at 4-53. This conclusion, however, is based on the theoretical capacity of the culverts and disregards their actual condition as described by the CH2M Hill Team. In turn, the 100-year flood elevations assumed are suspect (as evidenced by actual experience with the 1955 flood at the site).

2. The DPIR/DEIR offers as reason for rejecting the Department of Environmental Management's design reopening the Muddy River through the site that this design purportedly "does not address local pedestrian circulation patterns, especially between the corner of Brookline Avenue and Fenway, and the Fenway Park MBTA Station." (DPR/DEIR at 6-22.)

Yet there is no connection to studies of existing pedestrian traffic patterns to support this reason. See Section 3.12.2 and Figures 3.12.-1, 3.12-2, 3.12-3. On the contrary, these studies do not appear to reflect traffic through the parking lot, but only at crosswalks at the perimeters. And, in fact, the parking lot presents difficult street crossings and is surrounded by shrubs and very high curbs, making pedestrian passage difficult. Even a "wet park," therefore, will probably expand rather than restrict pedestrian circulation.

3. The DPIR/DEIR also presents as a reason for rejecting DEM's park design the likelihood that "much of" the sediments removed from the conduits "may prove to be contaminated." (DPIR/DEIR at 6-22.) Yet the discussion of solid and hazardous waste issues in Section 4.7 contains absolutely no reference to this apparent contamination. Either the estimate of contamination is unfounded -- or the developer proposes to convey to the City property it believes is contaminated without disclosing the extent or nature of the problem or assuming any responsibility for it. In the era of Chapter 21E and strict liability for oil and hazardous waste disposal, such a conveyance is extraordinary.

* * *

While the Project presents undeniable benefits, we respectfully request that approval be withheld unless the developer agrees to open the Muddy River as a part of its restoration of the Emerald Necklace parcel -- truly fulfilling the promise to restore this "missing link" in the Necklace and living up to the Olmsted the developer has adopted.

Respectfully submitted,

FENWAY GARDEN SOCIETY

By:

Jack A. Lehman
President

9000K/89

Fenway Garden Society

The Fenway Garden Society letter deals exclusively with a fixed position on one issue. "While the Project presents undeniable benefits, we respectfully request that approval be withheld unless the developer agrees to open the Muddy River as a part of its restoration of the Emerald Necklace parcel...". While the developer understands the concerns expressed, it has repeatedly stated that it is not prepared to undertake the suggested actions. There are several reasons that this is the case. First, it is very clear to the developer that there are potential liability issues associated with any attempt to disturb the hazardous materials beneath the missing link parcel. The developer is not willing to assume those liabilities. Second, it will take a considerable amount of time to study the problems associated with compiling a plan for implementing the solution suggested in the comment, particularly given the documented presence of contaminated material. It seems most unfair to suggest that the Olmsted Plaza development be held hostage while an effective implementation plan is developed, particularly given the fact there is currently no consensus as to what the best long term solution to the missing link should be. Third, there is no apparent source of funding for the suggested design. Preliminary cost estimates are that something in the order of \$6 million could be required to safely restore the flow of the river. The Olmsted Plaza concept does not have the financial capacity to support this cost, and at present there appears little chance that public funding for this undertaking exists. Last, it simply seems unreasonable to suggest that the developer should be forced to accept responsibility for a problem to which he in no way contributed.

The developers have, however, taken significant steps that can lead to long term solutions to this problem. They have agreed to have the property transferred from Sears directly to a public or non-profit entity charged with restoring the park to the park system. They have agreed to fund near term improvements that return the park to the park system. These plans entail creating a "dry park" that will be open by July 1992. The developers have committed to programs that will contribute substantial funding for this effort. The developer has also helped establish an advisory committee to oversee renovations to the missing link park. (The Fenway Garden Society is encouraged to seek representation on this committee to ensure that its concerns receive continuing attention.) In addition, the developer has committed \$100,000 toward the planning of both the interim (dry) park, as well as for the long term (open waterway) park advocated by the Fenway Garden Society. These commitments to development of a viable park are enumerated in Section 16 of the Cooperation Agreement (Appendix VI).

Taken together, this has to be among the most generous private contributions toward creating usable, attractive open park land in the City of Boston. It promotes a realistic and attractive interim plan, while not precluding the long-term vision for the site.

RECEIVED

NOV 13 1989

MEPA



I. M. Callanan, Pres.,
22 Bowker Street
Brookline, Mass. 02146

B. E. Lew, Boston Coordinator
107 Queensberry Street #2
Boston, Mass. 02115

telephone 734-2741

13 November 1989

John P. DeVillars, Secretary
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, Mass. 02108

RE: Public Comments on DPIR/DEIR for redevelopment of Sears Roebuck property at
the Fenway, EOEA file no. 7643

Dear Secretary DeVillars:

We appreciate the opportunity to comment on the draft PIR/EIR for this project to be located adjacent to the Muddy River. Since 1980 our organization has worked to improve, restore and maintain the Muddy River and its associated portion of Frederick Law Olmsted's Emerald Necklace park system, in an effort to undo the effects of many years neglect and pollution. We feel there are some key areas in which this document fails to address a problem, or does so incorrectly. Furthermore, the copy of the DPIR/DEIR we received was missing the appendices, and a large number of pages were bound upside down. We looked for Appendix D (section 1.7 says this includes the PNF/ENF) and Appendix E (section 1.7 says this contains a list of required permits).

We might have made additional comments, had we been furnished a complete copy of the DPIR/DEIR. (1)

The greatest flow in the proposed design relates to the Emerald Necklace park, the twin 72-inch conduits enclosing the Muddy River at this location, and the flow behavior of the river as it relates to floodplain and wetlands regulations. Section 4.5.2 discusses the 100-year floodplain, and whether or not the project site falls within it. Page 4-53 states, "The flood profile graph for the Muddy River near the site conflicts with the boundary denoted on the FIRM (FEMA map). As noted earlier, the Muddy River is culverted opposite the site. According to the flood profile graph in the Flood Insurance Study (fig. 4.5-2) the 100-year flood should be completely contained within this culvert. Obviously the developer would like this to be so.

Figure 4.5-1 (attached, taken from the DPIR/DEIR) represents the FEMA Flood Insurance Rate Map, showing most of the project site to be within the floodplain. We believe this representation to be more correct, for the following reasons:

Although the DPIR/DEIR makes numerous citations from the 1988 CSO Facilities Plan, Tech. Memo. B3-7 (by Whitman and Howard for the MWRA), it ignores hydraulic data for this section of the river which were collected during the 1955 flood. The Whitman and Howard report gives the following data regarding that flood:

- (1) The estimated river flow rate was 1300 MGD.

- (2) The high water mark opposite the Sears building was 117.6 ft. (MDC datum), higher than the high water level used in the DPIR/DEIR.
- (3) Figure 1-4 (copy attached) shows the capacity of the twin 72-inch culverts to be 170 MGD only after cleaning.
- (4) Page 1-6 states the 1955 flow rate of 1300 MGD could not have been carried by the culverts. ".,.,which indicates that some of the flood flow occurred over land in this area--not through the conduits--and into the Fens."

The FEMA map therefore correctly shows flood flow over land and not confined to the culverts. This should be of great concern to the developers, as potential flood damage to their property would be much greater than for any surrounding properties. Over the long term the prevention of this flooding potential protects the river as well.

A plan had been proposed (in cooperation with the Mass. Dept. of Environmental Management) to remove the 72-inch culverts and restore the river to its original open channel, similar to Olmsted's original design. We believe this proposal has been evaluated on a purely aesthetic basis, without consideration of the hydraulics of the Muddy River. Much to our dismay we find in this DPIR/DEIR that the plan has been downgraded to just a surface park, with planings to "simulate" the path of the riverbed, and leaving the 72-inch culverts in place. No cleaning of the culverts is proposed, even though cleaning is needed just to restore them to original capacity. We can see little point in building a park here if the culverts are left in place. The culverts present a restriction to flood flows which will promote flooding and wash away the park. Additional culverts could be built but remember the required capacity of 1300 MGD is almost eight times the existing [clean] capacity of the two 72-inch culverts. Culverts are a poor solution because the base flow in the river is so low that deposition in the culverts is guaranteed.

Another alternative might be to build a 1.2 billion gallons/day storm water pumping station, but this facility would probably be larger than the entire Emerald Necklace parcel. The open channel would be a far easier way to provide this capacity. Even with the channel, hydraulic analysis is needed on the short sections of culvert that would remain in place under roadways. If these under-roadway crossings do not have sufficient capacity, improvements must include additional or larger culverts and/or replacement of culverts with roadway bridges.

The extremely high flood flows possible result from the large contributing drainage area, which includes the major Village Brook and Tannery Brook drain conduits which drain areas as far away as Boston College in Newton. The Muddy River also receives overflows from the Brookline and Chestnut Hill Reservoirs. This is why the enclosure of the river in culverts at the Sears building was such a mistake in the first place, and why that mistake needs to be corrected before this project should be built. Without the needed flow capacity the Emerald Necklace parcel might as well remain a parking lot, and it would be foolish to build the proposed project within the floodplain.

Section 6.12 of the DPIR/DEIR discusses the proposed Emerald Necklace park, with figures 6.12-3 and 6.12-4 showing plans to reopen the Muddy River, adding bicycle paths and pedestrian walkways. The DPIR/DEIR then dismisses this plan (page 6-22) because "Reopening the Muddy River, however, is expected to involve lengthy, extensive and costly removal of accumulated sediments, much of which may prove to be contaminated." Consider what that statement means. The developers want to avoid the costs of sediment removal from the culverts, even though cleaning is required just to bring the culverts back to their 170 MGD capacity. The fact is, if the 1955 flood were to happen today, flooding would be more extensive (due to plugging of the culverts) and might extend beyond the areas indicated on the FEMA map. The developers should be prepared to bear this cost regardless of the findings by EOEA.

The DPIR/DEIR presents a cost estimate of \$1 million for the proposed surface park. We feel this amount is unnecessarily high, but probably lower than the cost of restoring the open channel. We are dismayed to find the developers proposing that at least \$400,000 of this amount would be provided by an "area fund-raising effort"--in short they say the neighborhood should pay for a share of this park (which won't survive a flood anyway). We feel the developers have reneged on their previous commitment to reopen the river, and this attempt to make the neighborhood share costs is a further example of the developers' "nickel and dime" approach to this problem. With an estimated construction cost of \$250 million, the improvements we are requesting represent no more than 1 to 2 percent of the total project cost--certainly far less than the developers expect to profit from this project.

Also the high cost estimate for the surface park appears to be based on an elaborate highly landscaped design which is inconsistent with the rest of the Emerald Necklace, and could end up looking more like a "front yard" for the development than a public park. This is not the intent of the proposal to restore this parcel to the Emerald Necklace.

Since restoration of the Muddy River to open channel flow is essential from a flood-control standpoint, and in the best interests of protecting the developers' property, we feel the developers should bear the full costs of the site work. If a public contribution is to be made it should be limited to landscaping, lighting, benches and other improvements which do not contribute to the solution of the flooding problem. The developer proposes to maintain the park for 25 years. Since the City of Boston adequately maintains the rest of the Emerald Necklace where it falls within city limits, this parcel should be treated in the same way. The park itself should not be highly landscaped but restored to a semi-natural state, consistent with the rest of the Emerald Necklace.

Section 7.3.2 of the DPIR/DEIR discusses the existing Storm Drain system and cites the aforementioned 1988 Whitman and Howard report which gives the 72-inch culverts a wet-weather flow capacity of 170 MGD. The DPIR/DEIR then fails to mention that this capacity will be available only after the culverts are cleaned, and also fails to mention the 1955 flood which is discussed in detail in the Whitman and Howard report. The W&H report also proposed modifications to the Brookline Avenue gatehouse, which currently diverts about 90% of the Muddy River flow directly to the Charles River via the 116 x 120 inch Muddy River conduit. This makes the entire Fens section of the river completely stagnant. The proposed modifications to the gatehouse would redirect the full river flow through the Fens, leaving the Muddy River conduit to function only as a flood overflow. W&H estimated the modifications would cost \$400,000 but we feel the work required could be done for less than half that amount since it would entail only reconstruction of the overflow weir chamber. Since the gatehouse abuts the Sears property and the modifications would directly improve downstream water quality, we feel this work should be part of environmental mitigation provided by the developers.

Section 4.5.2 of the DPIR/DEIR erroneously states that the project site is outside the 100-foot buffer zone surrounding existing wetlands. "Wetlands" in this context has been interpreted by Mass. Dept of Environmental Protection to include "historical wetlands" which would include the parcel filled to create the Sears parking lot. (4)

Other than issues directly affecting the Muddy River, we would like to offer a number of other comments for consideration:

The proposed Brookline Avenue building could be offices or a 300-room hotel. The decision can significantly impact review of this project, and we feel the use should be

defined prior to the public comment and review periods, for the MEPA process to work properly. (5)

Table 7.2-2 indicates evaporative cooling will account for almost 74,000 gallons per day, or 1/3 of the total water consumption of the development during the summer months. Use of non-evaporative systems will increase capital costs, but result in long-term (and ever-increasing) cost savings through reduced water use. It will also reduce strain on the MWRA and BWSC distribution systems, during that time of year when demand is highest. Also toilets should exceed the current 1.6 gallons per flush building code and be rated at 1.0 gallons per flush. (6)

Another aspect of this project's relationship to the surrounding area which is being shortchanged is in the area of transportation. The ease of access to this site via the adjacent MBTA Fenway station will be a significant marketing asset to the developers, especially in an increasingly competitive office space market. Farsighted planning must recognize the value of this asset, and include improvements to safety, lighting, and access to the station which has traditionally been accessible via the Sears parking lot. The developers would do well to attract as much pedestrian traffic to the project as possible, increasing the public exposure of the 60,000 square feet of frontage retail space proposed. (7)

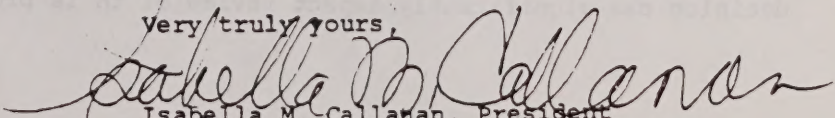
Section 2.3 of the DPIR/DEIR (page 2-15) discusses the possibility of incorporating the improved Fenway station into the proposed Park Drive building "...depending on the availability of federal, state and MBTA funding." The current fiscal situation makes significant funding from those sources unlikely. The presence of the MBTA station is so significant to the future marketability of this development that the developers should provide the improvements at their expense, including a separate well-lit shelter on the Sears property adjacent to the station.

A dark, unsafe and inhospitable MBTA station will only detract from the marketability of the space (especially retail space) as well as denying the neighborhood the improvements this project warrants. Here again the "nickel and dime" approach won't make this a successful project.

From a regulatory point of view, the location of this site within the floodplain is of greatest concern. Corrective measures are clearly in the developers' best interest, as well as those of neighbors and abutters. The restoration of open channel river flow within the Emerald Necklace park could result in removal of this site from the floodplain as well as providing aesthetic and water quality benefits to the Muddy River. Modifications to the Brookline Avenue gatehouse will also benefit water quality of the river. Similarly thoughtful integration of the adjacent MBTA station into the project will directly benefit the developers as well as the neighborhood. We note that the DPIR/DEIR indicates significant commitments to linkage and affordable housing in Boston but these commitments should not be considered in lieu of well-designed connections between this project and the surrounding area and infrastructure. After its completion the success of this project will be judged by its relationship to the river. The improvements we propose costing a small percentage of the overall project cost, will improve the neighborhood as well as insuring a high marketability for the space the project will create. Everyone benefits.

By this letter, I am requesting that I receive future notices and mailings related to the MEPA process for this project, and future versions of the PIR/EIR for our review and comments

Very truly yours,


Isabella M. Callanan, President
Friends of the Muddy River

Attachments: (1) FEMA Flood Insurance rate map for area taken from fig.4,5-1 of the DPIR/DEIR,

- (2) Muddy River Hydraulic Profile, fig.1-4 from CSO Facilities Plan Project P-15, Technical Memorandum B,3-7, submitted 7/20/88 to MWRA by Whitman and Howard,

cc: Peter Shelley, Conservation Law Foundation
3 Joy Street, Boston, Mass. 02108

U.S. Army Corps of Engineers, 424 Trapelo Road, Waltham, Mass. 02254
attn: Mike Keegan NEDPL-B

U.S. Geological Survey, 28 Lord Road, Suite 280, Marlborough, Mass. 01752
attn: Russell Gedoury

Federal Emergency Management Agency
John W. McCormack Building, PO-CH, Fourth floor, Room 462, Boston, Mass. 02109
attn: Kevin Merli

Steven Coyle, Director, Boston Redevelopment Authority, Boston City Hall

Dave Bingham, Associate, Metcalf and Eddy, Wakefield, Mass.

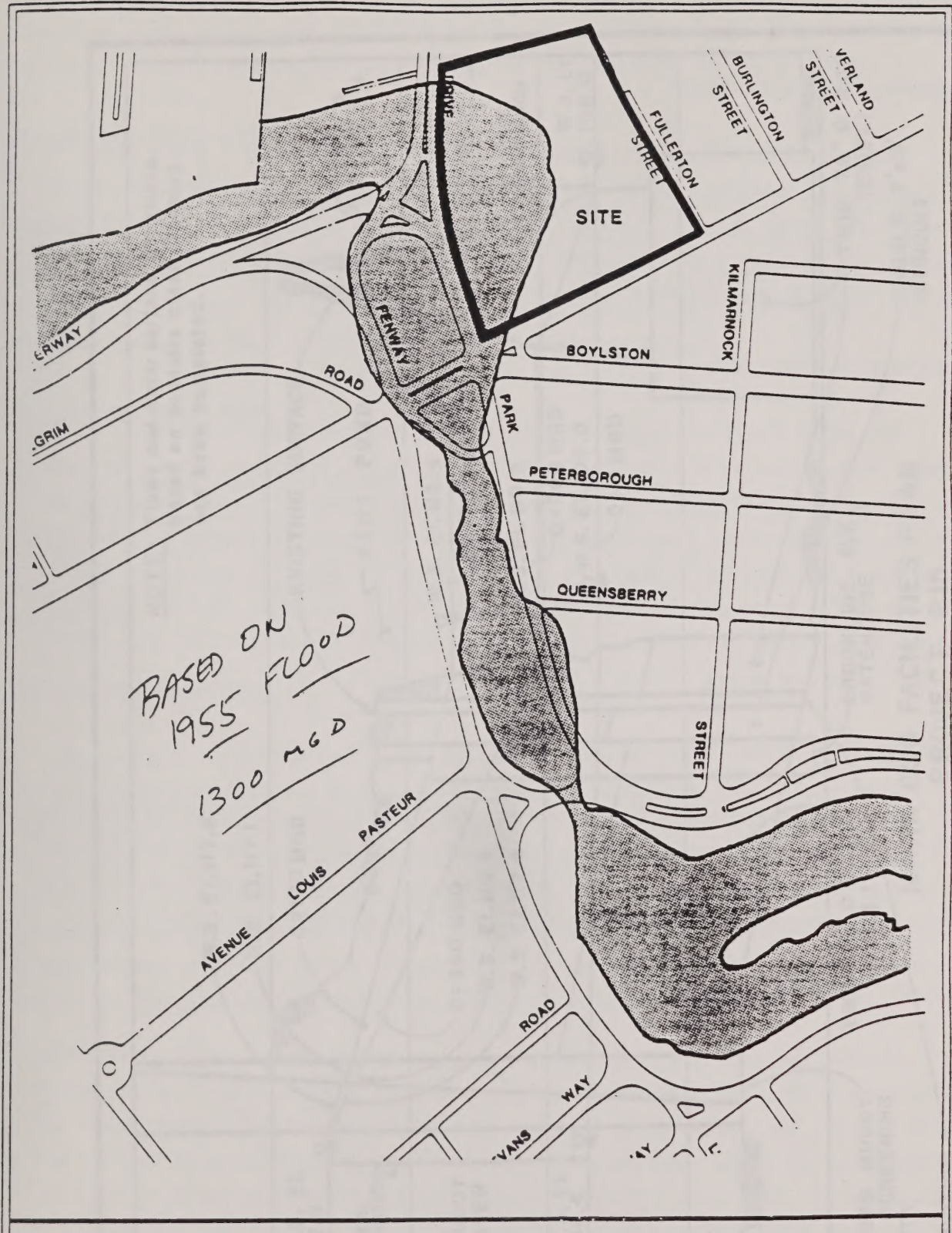
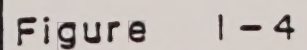


FIGURE 4.5-1
FEMA FLOOD INSURANCE RATE MAP





Friends of the Muddy River 1

The index of appendices to the DPIR/DEIR can be found in Appendix V of this report. No request for any appendix material was refused by the proponent. The appendices remain available for public review. Comments may be submitted, informally, to Olmsted Plaza Associates at any time. Additional formal comments may be submitted during the 30 day public comment period for the FPIR/FEIR.

Friends of the Muddy River 2

The FEMA Flood Map (Figure 4.5-1 in the DEIR) is based on the Flood Profile for the Muddy River (Figure 4.5-2 in the DEIR). The Flood Map is a one inch equals 400 feet scale overview of the Flood Profile data. The Flood Profile is more precise than the Flood Map and was used as the basis for the calculation of potential project impacts. Section 4.5.3 of the DEIR reviews this flooding issue in detail. The 100-year flood elevation on the site is 10.5' NGVD. For information concerning the flood storage capacity of the site, please see MDC 2, BED 2, Appendix VII (Order of Conditions), and the flood storage profile map for the proposed site attached in the map pocket.

Friends of the Muddy River 3

The position of Olmsted Plaza Associates with regard to park designs which restore the Muddy River to the missing link parcel are explained in response to the Fenway Garden Society comment letter. The comment also cites an obsolete description of funding. Commitments to funding park improvements are provided in the Cooperation Agreement (Appendix VI).

Friends of the Muddy River 4

Wetland resource areas were identified using the definitions and criteria found in the Massachusetts Wetlands Protection Act (MGL Chapter 131, Section 40) and Regulations (310 CMR 10.00). Wetland Protection Program Policies as published by the DEP were also reviewed. In compliance with these regulations and policies, buffer zone was defined as "that area of land extending one hundred (100) feet horizontally outward from the boundary of any area specified in 310 CMR 10.02(1) (a)." With respect to the project area that includes bank or bordering vegetated wetland. The aforementioned references make no note of the paved areas adjacent to the Muddy River as being considered bordering vegetated wetland. Communications

with the Division of Wetlands and Waterways Regulation confirm this interpretation of the regulations. Therefore the mapping as presented in the DEIR should be considered accurate.

Friends of the Muddy River 5

The most recent designs for the Olmsted Plaza project are included in Section 2 of this FPIR/FEIR. Please understand, however, that the environmental review regulations require applicants to describe project alternatives under consideration, preferably before major commitments are made. This was done in the DPIR/DEIR and included the hotel option for the Brookline Avenue Building. This option has been substantially abandoned.

Friends of the Muddy River 6

A closed loop system is to be used.

The developer knows of no area in which a major mixed use development has been asked or required to seek plumbing fixtures with flush rates less than 1.6 gallons. To the best of our knowledge reliable, affordable commercial grade fixtures with better performance standards are not available.

Friends of the Muddy River 7

Section 3 of the FPIR/FEIR contains discussions of the additional transportation studies that have been undertaken since the 155 page transportation study in the DPIR/DEIR was filed. The new report covers commitments to transportation mitigation efforts. In addition, Appendix VI contains a copy of the Transportation Access Plan Agreement between the Boston Transportation Department and the developer. It provides extensive descriptions of the commitments being made by Olmsted Plaza Associates. In general, the developer is committed to improvements associated with the station itself, e.g. platform, access, amenities. For more information, please see letter to Don Kidston, MBTA (December 14, 1989) in Appendix VI.



The Children's Hospital • Boston

300 Longwood Avenue, Boston, Massachusetts 02115 • (617) 735-6000

MEMORANDUM

To: Sarah Hamilton
MASCO

From: David Peck *DP*

Date: October 31, 1989

cc: Bruce Peschel, Steve Marsh

Subj: COMMENTS ON DPIR/DEIR FOR OLMSTEAD PLAZA

RECEIVED

NOV 10 1989

MEPA

I have reviewed the Olmstead Plaza Draft Project Impact Report/Draft Environmental Impact Report, and have a few comments. In general, I find it a thorough and comprehensive document which has enormously useful studies of traffic volumes, public transit capacity, and other environmental information on our immediate neighborhood. Also, I find the overall development project, and its urban design features, generally well thought out and attractive.

Specific Comments:

1. Table 3.3-2 indicates that the Children's Hospital Medical Center Research Expansion will be complete in 1994. In addition, they indicate the Beth Israel Hospital/Children's Hospital additional 200 parking spaces shall be complete in 1994. In both cases, I believe the intent of the table is that these projects will be complete by 1994, not in 1994.
2. Their calculation of daytime vehicle trip generation (page 3.31) assumes 56% of all work trips are "drive alone, car pool and taxi trips"; and 44% are transit (bus, commuter rail, subway) walk bicycle trips". Our own transportation and parking plan posits average proportions of 52.4% driving and 47.6% transit, based on employee interviews. However, the percentage driving varies between 60% for physicians, 64% for managers, 53% for nurses and 33% for technicians. Olmstead's 56% may, therefore, be overstating the number of employees who would be driving, but ultimately it depends on exactly who uses the facility.
3. The Maitland Street connector is discussed on pages 3-37, 3-45, and also on a plan on 10-5. If the developer proposes to include this as part of his project, he must make arrangements with all property owners on those parcels over which this connector would pass. I do not think this has been done yet.

Sarah Hamilton (cont'd)
Page Two
October 31, 1989

4. Use of Brookline Avenue for construction trucks (pages 3-85 and 3-86) shows using Brookline Avenue for traffic to and from the south. Every effort must be made to have such truck traffic occur in the off hours (as discussed in their demolition trucking paragraphs on 4-95). The Developer's studies of traffic on Brookline Avenue, and the intersection at Brookline and Longwood in particular, suggests that additional construction traffic, during peak a.m. and p.m. hours, would be a difficult burden. (5)
5. With reference to worker parking (page 4-94) I suggest that remote off site parking lots be considered, with shuttle service to the site, to further minimize construction period traffic impacts. I understand that the Harbor Clean Up Project and possibly the Artery Project both have carefully considered use of remote, centralized construction parking and transportation programs. (6)
6. All the shadow studies appear to misrepresent the massing of the Children's Hospital Medical Center building on Burlington Street. In general, however, I do not think their proposed project creates any undue shadow problems at any time of the year.

DBP/kam

Children's Hospital 1

Olmsted Plaza Associates thank you for this comment.

Children's Hospital 2

The table reflects the dates given to HMM Associates by State and City representatives. As a practical matter the date makes little difference since all the traffic from each project in the table is included in the 1995 base case analyzed both in the DPIR/DEIR, and in this FPIR/FEIR.

Children's Hospital 3

The authors of the traffic studies agree with this observation. It also addresses MEPA 11, where the targeted mode split of 44% transit is challenged.

Children's Hospital 4

As reported in Section 3.1 of this report, the Maitland Street Connector is no longer being considered.

Children's Hospital 5

The authors of the traffic studies agree with this observation. Agreements with BTM will include specific requirements for contractors to see that their trucks do not use critical, overburdened streets during AM or PM peak hours. The Construction Management Plan must be submitted and approved before building permits can be obtained. The plan will be a public document (see Appendix VI).

Children's Hospital 6

This particular site is well endowed with paved on- and off-site areas available for construction parking. It is likely that the Van Ness Street parcel and the two temporary on-site lots will be used as parking for construction workers during Phase I of the project. During Phase II, construction workers will use available space in the on-site garage. If that does not provide enough space, a satellite lot will be established at that time.



**The Commonwealth of Massachusetts
Metropolitan District Commission
M. Ilyas Bhatti, Commissioner**

20 Somerset Street
Boston, MA 02108
617-727-5114

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MEPA

The
Metropolitan Network
of Services

Parks

Beaches

Community Boating

Historic Sites

Recreational Facilities

Public Concerts

Trailside Museum

Boston Harbor Islands

Metropolitan Police

Flood Control

Watershed Management

Pure Water Supply

Quabbin, Wachusett and
Sudbury Reservoirs

Franklin Park and
Stone Memorial
Zoo

Parkway, Boulevard and
Bridge System

Charles, Mystic and
Neponset Rivers

Beaver Brook, Blue Hills,
Elm Bank, Breckinridge,
Middlesex Fells, and
Stony Brook Reservations

November 9, 1989

Ms. Janet McCabe, Assistant Secretary
Executive Office of Environmental Affairs
MEPA Unit
100 Cambridge Street - Room 2000
Boston, MA. 02202

RE: Olmsted Plaza; EOEA #

Dear Ms. McCabe:

The Metropolitan District Commission is pleased to have this opportunity to comment on the above-referenced Draft Environmental Impact Report (DEIR). While this DEIR represents a fine effort on the part of the proponent to address the significant issues that this project raises, many are still outstanding and need to be addressed in a Final Environmental Impact Report (FEIR). The FEIR should address the following:

TRAFFIC

The traffic issues associated with this project are complicated and significant. Some items addressed in the DEIR have been changed since the DEIR was presented as a result of discussions with the BRA, BTM, MDC, and others. While this is commendable, it does lend some confusion to trying to sort out where things stand since the issuance of the DEIR. Specifically, the following needs to be addressed in the FEIR:

-Queue length data at major intersections under the most recent traffic scenarios was not sufficient and needs to be provided. Ninety-fifth percentile queue length data should be included.

-Short and longer-term impacts on traffic from parking in the circle opposite the project should be addressed.

-Some major intersections need to be more adequately mitigated. In particular, the Chapel Street/Riverway intersection needs to be more closely examined in terms of timing and conflicts between pedestrians and automobiles.

-Roadway drainage problems have been attributed to the project area over the years. The nature of these problems and their connection to and impacts upon the drainage running under the "circle lot" should be addressed in the FEIR.

CULTURAL/AESTHETICS

MDC roadways such as the Riverway, Park Drive, and Jamaica Way are part of the National Register's Olmsted Parks System, the "Emerald Necklace". It should be noted when reviewing any comments or proposals related to this project that the MDC strongly wishes to see that these historic landscapes are not compromised. The roadways and adjacent lands are separate in this

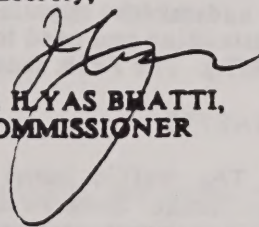
sense from city streets. Maintaining their continuity both visually and physically is important. The proponent has attempted to follow this idea with congruent landscaping in front of the building. This is commendable but care must be taken to ensure that other phases of the project are treated with the same care.

We are pleased that the "circle lot" is to be conveyed to the City of Boston as part of the restoration of the Olmsted Park System. It is regrettable that it is to be used in the interim as parking, however. There should be a definitive termination date for its use as a parking lot and a time line provided for its conveyance and/or restoration to park status. ③

In concluding, it must be noted that this project is of such a large scale and its impacts so significant that care should be taken in examining it. There must be much more examination and discussion of the project before a Section 61 Finding will be issued by the MDC.

Thank you for this opportunity to comment.

Sincerely,


M. H. YAS BHATTI,
COMMISSIONER

cc: Peter Jackson
Ken Kirwin

MDC 1

Since the filing of the DPIR/DEIR, Olmsted Plaza Associates has continued to work with the BRA, BTM, MDC and others on resolving traffic issues since the filing of the DPIR/DEIR. It will continue to work with these agencies over the next several months. The results of the new analysis that has been undertaken are reported in Section 3 of this report. Each of the traffic issues cited by MDC is addressed. The commissioners of MDC and BTM have established a direct communication to ensure that all MDC concerns are addressed in the mitigation efforts being planned by the City and funded by the developer.

MDC 2

As discussed in Section 4.5.3 of the DPIR/DEIR, the proposed project will result in the reduction of almost two (2) acres of pavement and the development of over an acre and a half of landscaping. These features will reduce the amount of runoff, enhance the ability of the area to attenuate floodwaters and result in a net gain in flood storage capacity.

MDC 3

In response to this, and other similar comments, the developer has committed to completing the park renovations described in Section 2 of this report by July 1992. This commitment is documented in the Cooperation Agreement between the developer and the City (Appendix VI).

COPY

452 Park Drive, #8
Boston, MA 02215
October 20, 1989

WPK OCT 27 1989

Mr. Don Klabin
Boston Redevelopment Authority
City Hall, 9th Floor
Boston, MA 02201

Re: Olmstead Plaza

Dear Mr. Klabin:

I have attended most of the meetings with the developers of the proposed Olmstead Plaza project, including the one on October 5th which was devoted to traffic and parking issues. The presentation by the developers was thorough and ambitious given the state of the traffic problems that already exist in Audubon Circle and the Fenway. That they are concerned about the traffic impacts is evident by their scheduling yet another session devoted to transportation issues.

However, I must comment on some important aspects of their proposal to mitigate traffic during peak hours approaching the site.

The developers propose to "limit" parking at 10 spaces along the south side of Beacon Street in order to create two right turn lanes onto Park Drive. (See DPIR/DEIR, September, 1989, p. 3-68) That block (between Keswick Street and Park Drive) is resident parking, a fact that the DPIR/DEIR fails to state. It is posted as Resident Parking and must not be limited. I believe that the developers and their traffic "experts" have lost sight of the meaning of resident parking. Resident parking is intended for residents of the neighborhood to park, unrestricted, especially during peak hours when traffic is coming into the city. It is unthinkable to remove resident parking to mitigate traffic impacts of any proposed project. You can "limit" incoming traffic, but residents of the area, should never be limited to accommodate incoming traffic.

There is also an error in Figure 3.13-1 "Existing Parking Supply Inventory" (p. 3-134). They have shown the entire left side of Medfield Street as resident parking when, in fact, the first block of Medfield Street is visitor parking and is posted as such. You will note from this map

that there is not a great surplus of resident parking in Audubon Circle. Most of the resident parking on Buswell and Mountfort streets are contained within the Boston University dormitory area and is generally lost to other residents of Audubon Circle. Presently, resident parking is hopelessly inadequate for the density of the area and the proposed project will make it more so.

The developers' offer of garage parking for residents is ludicrous. To make parking available only from 6 p.m. to 7 a.m., for a fee (no matter how modest), in an area where there is already inadequate parking is not much of a neighborhood benefit. Where will people who do not fit the typical "9-5" profile put their cars when they have to vacate the garage at 7 a.m.? Where will they put their cars before 6 p.m.? In addition to limiting paid-for resident parking in their garage, they further propose to restrict resident street parking in 10 spaces from 7-9 a.m. and 4-6 p.m. These restrictions on parking for area residents need to be addressed in the final PIR and EIR. ③

The developers have itemized other development projects planned for the next several years in the immediate and adjacent areas of the proposed site. They list the Boston University Armory project as 1,200 student beds. What they fail to include is the 8,500-10,000 seat arena for university and non-university events on that same site. Surely this will have a major impact on traffic and parking and must not be dismissed as a "student dorm" which diminishes the impact of the entire project. ④

Also, listing the future development plans of the Longwood Medical Area to add square footage and some parking spaces does not convey the true impact on traffic in the area. MASCO has admitted that the proposed development in this area will result in 9,000 more automobiles, a significant impact for the neighborhood to absorb. Of course, as plans are not yet in place for the Kenmore Square redevelopment, there is can be no assessment of impacts that Kenmore Square projects might create and this requires some comment from the developers and the BRA.

My comments should is not be construed as an acceptance of the rest of the proposed project simply because it is confined to traffic and parking issues. There are other serious impacts that need to be addressed. However, they will be the subject of other meetings and letters. Thank you for your attention to these issues.

Sincerely,

Barbara McKinley
Barbara K. McKinley

McKinley 1

The current plans for improving traffic flow are included in Section 3.4 of this FPIR/FEIR. That section also includes current mitigation proposals. Commitments are further discussed in Appendix VI, the Transportation Access Plan Agreement. The developer agrees that one of the potential impacts of the project is the loss of some of the curb side parking spaces. It is felt, however, that the loss of a very modest number of resident spaces is justified by the significant improvements in traffic flow that will result. Note that the City has the option of moving the sidewalk to maintain parking spaces. This, however, is a fairly expensive measure.

McKinley 2

Since the visitor parking area is designated for the visitors of local residents, we classified it into the restricted parking category for the purpose of parking analysis. Aside from the parking situations described in the letter, the HMM study has shown that the parking demand in the Medfield Street area is in the range of 50 to 93 percent of the capacity, which is clearly illustrated on page 3-137 of the DPIR/DEIR.

Regarding the existing residential parking conditions in the area, the developer has committed to provide its parking facilities to local residents at off peak times (see Section 3.7). This will help relieve the on-street residential parking demand experienced now.

McKinley 3

Resident parking hours have been expanded to 5 P.M. to 9 A.M. (see Section 3.7.1). These additional efforts undertaken by the developer to accommodate off hours parking by residents should be satisfactory. Many in the neighborhood will appreciate the opportunity to have access to inexpensive, safe parking at night. It should be noted that the number of available spaces for off hours resident parking is much greater than the number of resident spaces being sacrificed. It should also be noted that the plan to improve traffic flow at Audubon Circle is badly needed, with or without the project, so blaming Olmsted Plaza for the perceived loss may not be particularly realistic. At least the project includes some means to reduce the impact of this loss.

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McKinley 4

The peak hours of traffic generation for a land use such as an arena typically occur from 6:30-8 PM and 9-10 PM. These times correspond to patrons arriving at and leaving functions occurring at the facility. Since these times are outside of the peak hours of the proposed project as well as the surrounding street network, the traffic impacts of the arena will not be significant.

The development proposed the removal of the existing 4-451 and 4-452 Park Drive. We are writing to discuss the proposed development of the 4-451 and 4-452 Park Drive, a joint project of J&M Urban Development and J&M Urban Development Associates. We understand that the developer has an excellent reputation based on their past work in the 4-451 area, and are pleased that they have voluntarily submitted the proposed project for Article II approval, indicating a high level of transparency. We look forward to the proposed building line of the proposed Park Drive project, and the removal of the 4-451 and 4-452 Park Drive.

Additionally, we have a great concern about the impact of the proposed project on the quality of life in the neighborhood. We are particularly concerned about the scale of the proposed Park Drive building and the impact of the project on traffic and parking in the area.

The Proposed Park Drive Building

Although the developer has referred the height of the proposed Park Drive Building as that of the existing 4-451 building, we are still concerned about a building of this size being placed in an existing neighborhood of buildings and Park Drive. The existing 4-451 building is already much larger than the existing structures in the area, and its presence is a problem for the neighborhood. The proposed building is not much different from the existing 4-451 building, and its presence is a problem for the neighborhood, as well as for the low character of the 4-451 area and the surrounding area.

In contrast, placement of the large building on Park Drive will lead to an abrupt and stark transition from the existing area and the surrounding buildings on Park Drive. The proposed building will block existing sunlight and daylight in the buildings, which are on the opposite side of Park Drive. It will also block the view of the area, which is a wide boulevard with a view of the area and is currently a pleasant view. We feel that the visual and physical presence of the Park Drive building will be a serious negative impact on the character of the neighborhood. We are not opposed to building on this part of the site, however, we would like to see a transition from the neighborhood to the building, and a building well.

We understand that the goal of the project is to improve the development of the area, and to maintain the character of the neighborhood. The developers have already shown some concern for the proposed size of the building in response to neighborhood concerns. Nevertheless, we are still concerned about the impact of the building on the area in the future. We request that further studies of the building be done by the developers as well as the neighborhood in order to determine the impact of the building on the neighborhood, including parking, landscaping, and other issues.

MS. Connie Getek
MEPA Unit/EOED
20th Floor
100 Cambridge Street
Boston, MA

RECEIVED
NOV 11 3 1989
MEPA

Sat, Nov 11, 1989

Dear Ms. Getek,

The undersigned represent the Boards of Managers for the condominiums at 452 and 448 Park Drive. We are writing to comment on the proposed development of the Sears Site by Olmstead Plaza Associates, a joint venture of JMB Urban Development and Macomber Development Associates. We understand that the developer has an excellent reputation based on their prior work in the Boston area, and are pleased that they have voluntarily submitted the proposed project for Article 31 approval, including input from the neighborhood. We look forward to the return of the Missing Link of the Emerald Necklace Park system, and the restoration of the Sears Building to its former glory.

Nevertheless, we have serious concerns about the impact of the proposed project on the quality of life in our neighborhood. We are particularly concerned about the scale of the proposed Park Drive building and the impact of the project on traffic and parking in the area.

The Proposed Park Drive Building

Although the developers have reduced the height of the proposed Park Drive Building to that of the existing main building, we are still concerned about a building of this size being placed so near neighboring residential buildings and Park Drive. The existing Sears building is already much larger than the neighboring structures but works as a positive landmark because the visual transition is softened by the distance the building is set back from both the street and other buildings, as well as by the low elevation of the Sears site compared to its neighbors on Park Drive.

In contrast, placement of the large building on Park Drive will lead to an abrupt and jarring transition from the neighboring three and four story residential buildings on Park Drive. Shadows from this building will block morning sunlight and skylight to our buildings, which are on the opposite side of Park Drive. It will also shade the street itself, which is a wide boulevard with considerable open space and is currently pleasantly sunny. We feel that the visual and shadow impacts of the Park Drive building have a serious negative impact on the character of the neighborhood. We are not opposed to building on this part of the site; however, we would like to see a transition from the neighborhood to the project, not a dividing wall.

We recognize that the scale of the project is determined by the developers legitimate interest in maximizing the return on their considerable investment. The developers have already made some reductions in the proposed size of new buildings in response to neighborhood concerns. Nevertheless, we are still concerned about the density of the buildings on the site in the latest plan. We suggest that further reduction of scale would benefit the developers as well as the neighborhood insofar as the attendant improvements in accessibility, parking availability, open space between the buildings, and aesthetic fit

with the neighborhood will make the project more desirable to potential tenants.

Traffic and Transportation Impacts

Several of us attended a meeting on October 30 to hear the Boston Transportation Department's assessments of the impact of the various projects, including the Olmstead Plaza proposal, on traffic and transportation in the area. We are concerned about how traffic problems might affect access in the area, especially to the many hospitals. (2)

We were disturbed by the Department's poor preparation and its uncritical acceptance of the studies done by the various developers' consultants. Traffic and transportation facilities in the area are already overburdened without the Olmstead project. Studies submitted in the draft EIR seriously underestimate volume, and ignore many of the effects on pedestrians and bicycle traffic.

Mitigating measures should be taken and evaluated before the project begins to affect traffic. Many of the proposed measures to mitigate the situation rely on a coordinated effort involving the MDC, the City, the MBTA, the hospitals, and the City of Brookline. Given the number of projects, agencies, and jurisdictions involved, we believe that a comprehensive areawide transportation plan is badly needed to avoid permanent gridlock. Major construction, if not approval, of any new projects should be held in abeyance until such a plan can be implemented.

Parking Impacts

We were pleased to learn that the developers have revised their parking plans to place some of the parking for the project in a second structure on the Van Ness site, which is in a less residential neighborhood. Placing part of the parking at the Van Ness site will reduce traffic in the overburdened Sears Rotary by allowing some of it to be diverted toward the Storrow Drive ramps, and will be better suited to provide parking for Red Sox games at Fenway Park.

Our reading of the EIS suggests that even with both of the planned parking structures, the project will not have enough parking spaces to handle the anticipated tenants and their customers. This can only lead to an increase in illegal parking in Resident Parking spaces in the Audubon Circle area, which is already seriously oversubscribed. Further, some of the proposed solutions to traffic problems will also reduce the number of parking spaces in the area. We feel that the proposal by the developers to provide leased rental spaces for nonbusiness hours is too inflexible to be of any real value as a replacement for Resident Parking. (3)

We strongly recommend that the BRA ask the developer to continue to refine parking plans to reduce problems in the neighborhood. One possible measure would be to work with the owners of abutting sites and the Red Sox to enlarge the Van Ness site. We also believe that improved coordination between the City and the MDC is needed to achieve better enforcement of parking regulations in the neighborhood.

As residents of the Audubon Circle neighborhood, and one of the site's closest neighbors, we hope that development of the Sears site can be achieved in a way that will enhance the quality of life in our area. We believe that the developers share these goals and is making a good faith effort to achieve them. However, we are concerned that the present proposal contains potentially serious flaws, including those

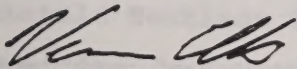
outlined above, and are disturbed by our sense that in the rush to complete the approval process in a short time, important issues involving the area are being overlooked.

Beyond the specific effects that might make our neighborhood a less pleasant place, we fear that these same problems could affect the ability of the development to attract quality tenants. A failed development on this scale benefits neither the City, the neighborhood, nor the developers themselves, and could be far worse than living with the Sears building in its current abandoned and desolate state.

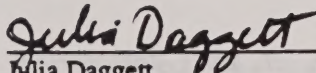
We therefore urge the BRA to join us in asking the developers to reevaluate the question of how large a project the area can realistically support without disrupting the neighborhood. We hope that the BRA will see to it that approval of the project is conditional upon ongoing reevaluation of its impact, and that input from appropriate groups and agencies, including the neighborhood, will be given consideration before Phase 2 construction plans are finalized. We also hope that the developer will submit to reevaluation of Phase 2 after Phase 1 is completed, when its real effects can be determined with more certainty.

Thank you for your attention to these matters. We look forward to working together with the developers to assure the ultimate success of the project.

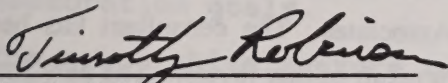
Sincerely Yours,



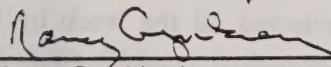
Vernon Ellis,
452 Park Drive Condominium Assoc.



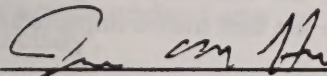
Julia Daggett
448 Park Drive Condominium Assoc.



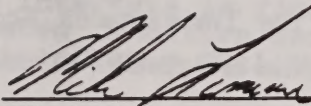
Timothy Robinson,
452 Park Drive Condominium Assoc.



Nancy Gryniewicz
448 Park Drive Condominium Assoc.



Jim Hu,
452 Park Drive Condominium Assoc.



Mike Lamarre
448 Park Drive Condominium Assoc.

cc: Don Klabin BRA
Connie Getek MEPA unit/EOED
James Keefe Trinity Financial

448/452 Park Drive 1

In response to neighborhood concerns the Park Drive Building has been reduced considerably in size through a series of changes. During an extensive community review process, it was shortened originally from 16 to 12 stories, and subsequently to nine to match the parapet of the Sears Building. Its mass was reduced from 300,000 gsf to 227,000 gsf. In late November, the building was further reduced in size and mass from 227,000 gsf to 223,000 gsf. These changes are described in Section 2.1. We trust these reductions are responsive to this concern.

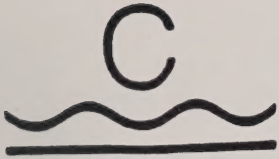
The shadow diagrams and artists renderings alike show that shadow impact on 448/452 Park Drive will be relatively modest. In the worst case analyzed there are some limited net new shadows for a short time in the morning. These should not be perceived to detract from the quality of life at 448/452 Park Drive. On the contrary, the developer fully expects that quality of life should be enhanced by replacing a vacant, decaying property with a new, and active use that includes many amenities that will be available to the residents of 448/452 Park Drive.

448/452 Park Drive 2

The characterization of BTB reviews as "uncritical acceptance" of work by the developer's consultants is far from accurate. Neither the BTB or the consultant see any validity to such a statement. While the working relationship has been cordial, rather than antagonistic, BTB has thoroughly reviewed all the work by HMM Associates. The consultant has been directed to undertake a substantial amount of new work as a result of that review. The new work is contained in Section 3 of this report. The supplementary work includes new analysis and traffic mitigation plans. The Transportation Access Plan Agreement and the Cooperation Agreement, which are attached as Appendix VI, contain the "plan" to see that traffic impacts are minimized.

448/452 Park Drive 3

Additions to the original parking analysis are included in Sections 2.1 and 3.7 of this report. The new material describes the new, split parking concept. Contrary to the statement in the comment the DPIR/DEIR did not, and the FPIR/FEIR does not, conclude that there will be a shortage of parking to accommodate Olmsted Plaza uses. Supply barely exceeds demand, which is as it should be in order to encourage the use of public transportation, rather than automobiles.



Charles River Watershed Association

October 5, 1989

Mr. Donald Klabin
Boston Redevelopment Authority
Boston City Hall, Ninth Floor
City Hall Plaza
Boston, Massachusetts 02201

RE: Olmsted Plaza Redevelopment

Dear Mr. Klabin:

The Charles River Watershed Association has reviewed the progress of the proposed Olmsted Plaza Redevelopment with particular interest. By proposing to restore a parkland connection between the Back Bay Fens and Muddy River, the developer has offered the City of Boston a unique chance to rectify a previous abuse of public open space. However, in negotiating the final form of the restored park, this gesture must not allow development pressure to enjoy influence above that of neighborhood and environmental concerns.

Emerald Necklace Restoration

The City must look beyond the borders of the Sears parcel when considering proposals to transform the paved lot into a park. Reclamation of the Sears parking lot is key to achieving overall Emerald Necklace and Muddy River Restoration goals.

The cooperative venture between the City of Boston and Olmsted Plaza developers provides a way to secure public parkland in the face of budget restraints. The City must ensure that public and private interests in final parkland design conform to historic Olmsted tradition and the recommendations of the Muddy River Water Quality Improvement Study.

Current Parkland Proposal

The Charles River Watershed Association is disturbed that the current parkland proposal calls for the use of botanical plantings to "simulate" the course of the Muddy River. This design plan directly conflicts with the goals set forth by Emerald Necklace Restoration planners.

Plans to transform the Sears parking lot into public parkland must be sensitive to Olmsted's original design. They should be ambitious and strive to achieve continuity between the

Back Bay Fens and Muddy River parks. The property must not be compromised to a botanical surface park; it deserves to be reclaimed as a representative part of a national treasure.

Frederick Law Olmsted took great care to enhance park design with sculpted landscapes and precise plantings. Not only does the current proposal lack historically appropriate plantings and walkways, it also creates a burden for the City. The planting beds will require long-term care and maintenance. The annual plantings that will be required to "simulate" the river every season must be funded.

Muddy River Improvement

At the heart of Emerald Necklace and Muddy River Restoration plans has been the dual goal of reconnecting parkland and reconnecting waterways. Restoring continuous flow throughout the park system, from the spring-fed Jamaica Pond to the Back Bay Fens, is essential to park improvement. Indeed, returning the Muddy River's natural flow has been recognized as "paramount" to achieving overall parkland restoration goals.

In guiding the design of the Sears parcel, the City must consider the fate of water quality in the Muddy River and Back Bay Fens. Keeping the Muddy River diverted, with minimal flow to the Fens culverted and obscured under new parkland, will neither hide nor solve water quality problems.

The existing conduit system hinders cleanup of the Muddy River during emergencies. Oil spills are especially difficult to contain. This conduit system is also time and money intensive, requiring regular cleaning, maintenance and repair.

The Back Bay Fens currently receives only wet weather flow from the Muddy River and stormwater/sewage inputs from the Stony Brook conduit. In fact, approximately ninety percent of the Muddy is culverted right into the Charles. As a result, the Fens are stagnant, polluted and smothered by aquatic weeds and algal blooms.

The present deplorable water quality conditions of the Muddy River and Back Bay Fens must not be allowed to remain. Reinstating the natural flow of the Muddy River through the Fens is essential for improving water quality. Increasing the volume and flow of water through the Fens will also increase its aesthetic and habitat values. Recognizing these benefits, returning the natural flow of the Muddy River through the Fens has been a central element in Emerald Necklace Restoration plans. It is also expected to be a major recommendation of the Muddy River Water Quality Improvement Study presently being conducted by the state.

Moreover, no solution to improve the water quality of the Charles River Basin will be complete without improving the condition of the Muddy River and Back Bay Fens.

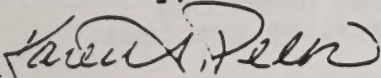
Toxicity tests must be performed to determine the quality of sediments before plans to excavate the Sears parking lot and reinstate the natural flow of the Muddy River are dismissed. The fear of toxic sediments must not govern decisions made at this time.

Conclusion

Current plans to create a surface park with complex botanical plantings requiring constant care on former Olmsted parkland in conjunction with the Sears building redevelopment violate Olmsted tradition. These plans will also impede efforts to improve flow and water quality in the Muddy River and Back Bay Fens. The Charles River Watershed Association urges the City of Boston to reconsider these plans, in light of the importance of the Sears parcel in overall Emerald Necklace restoration.

Thank you for your consideration of these comments.

Sincerely,



Karen I. Pelto
Environmental Assistant

KP:kp\olmspark.kip

cc: Boston Parks and Recreation;
Brookline Recreation;
Boston Conservation Commission;
Brookline Conservation Commission;
Friends of the Muddy River;
Boston GreenSpace Alliance.

Charles River Watershed Association

The revised plans for the short term restoration of the missing link parcel are outlined in Section 2 of this report. Many of the design features to which CRWA objects have been eliminated in the revised design.

Olmsted Plaza Associates believes it has made significant contributions to initiating the return of the missing link to the park system. These efforts include seeing that the parcel is conveyed from Sears to a not-for-profit entity that will oversee park renovations, sponsoring designs for interim improvements to the park, helping establish a committee to provide guidance in the redesign of the park, and providing significant subsidies for the near term park improvement (See Figure 2-4).

Further comments on this issue are provided in the response to the Fenway Garden Society.

Comments on Draft Project Impact Report/Draft Environmental Impact Report for Olmsted Plaza Redevelopment

Gentlemen:

On the 20th of July our organization commented in writing on the Project Qualification Form. Our views are unchanged since that time. That is that the project will have benefits to the residential, institutional and institutional community that outweigh the costs (which we see as primarily transitional). We would like to quote from that earlier letter:

We believe it is desirable to have the Sears property once again productively and actively used. We support the preservation and restoration of the original building and the demolition of the latter additions. We believe that the proposed type and mix of uses are appropriate and will have benefits for the local and regional business community, the local residential community and the local institutional community. We support the upgrading of the MBTA Fenway Park station and recognize that that is most likely to occur as a result of this project. We especially are supportive of the return of the parking lot to public park use. The housing and job training aspects of the public benefits package represent positive contributions to the Fenway community.

Our view on this project might very well be different if the site were vacant and undeveloped. It is, of course, densely built upon although the

Boston-Fenway Program, Inc.

236 Huntington Avenue
Boston, MA 02115
617-262-0060

Mr Don Klabin
Boston Redevelopment Authority
City Hall, Room 933
Boston, MA 02201

1 November 1989

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NOV 3 1989

MEPA

Secretary of Environmental Affairs
Attn: MEPA Unit
100 Cambridge Street, 20th floor
Boston, MA 02202

RE: Comments on Draft Project Impact Report/Draft Environmental Impact
Report for Olmsted Plaza Redevelopment

Gentlemen:

On the 20th of July our organization commented in writing on the Project Notification Form. Our views are unchanged since that time, that is that the project will have benefits to the residential, business and institutional community that outweigh the costs (which we see as primarily traffic-related). We would like to quote from that earlier letter:

We believe it is desirable to have the Sears property once again productively and actively used. We support the preservation and restoration of the original building and the demolition of the latter additions. We believe that the proposed type and mix of uses are appropriate and will have benefits for the local and regional business community, the local residential community and the local institutional community. We support the upgrading of the MBTA Fenway Park station and recognize that that is most likely to occur as a result of this project. We especially are supportive of the return of the parking lot to public park use. The housing and job training aspects of the public benefits package represent positive contributions to the Fenway community.

Our views on this project might very well be different if the site was vacant and undeveloped. It is, of course, densely built upon although the

structures are now essentially unoccupied. This proposal aside, the structures, certainly the Sears building itself, will in time be re-occupied (which we believe to be to the good). Consequently, we see the adverse impacts of the project, particularly those that are access- and traffic-related, as an acceptable price to pay for the rejuvenation and improvement of the Sears complex, especially in light of the scaling down of the project which has occurred in recent months.

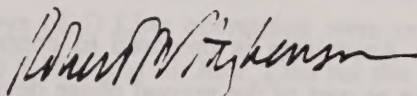
Although we consider ourselves in support of this project, we do have several comments to make most of which are minor:

1. The Neighborhood Map (Fig 2.2-3) should have the East Fens named. ①
2. Will the developers contribute financially in the improvement to the Fenway T stop? This was asked in our letter of July 20th but remains unclear. ②
3. On Page 3-74 there is a discussion of Intersection 16 (Evans Way/Fenway/Louis Prang). The traffic signals at this intersection are presently set as flashing lights; the discussion suggests otherwise. There is now a dangerous situation for those travelling eastbound at this intersection: the flashing red light is ignored by virtually all drivers and should be enforced or changed. ③
4. The paragraph at the bottom of Page 3-77 seems to be a key observation which if concurred with by persons more expert in traffic analysis than us is worth highlighting. ④
5. Figure 3.11-1 (Transit Routing Map) should include the Southwest Corridor and the Arborway and Boston College Branches of the GreenLine. These might also be noted in the accompanying discussion. ⑤
6. The figures in Table 3.11-4 (Page 3-95) regarding the Fenway Park Station seem contrary to our observations. Were these counts done during the summer months? If so, this should be noted. ⑥
7. The increase in landscaped areas and decrease in paved areas as shown in Table 4.5-4 is commendable. ⑦
8. On Page 5-6 in the opening line of section 5.5 the statement is made that "The Sears Building is the most noteworthy architectural feature of the Fenway district." A more accurate wording would be "...is among the most noteworthy architectural features..." It's a good building but not that good! ⑧
9. In Figure 5.5-4, there is no indication of pedestrian circulation or access along the north edge of the site. We assume this is an oversight. ⑨
10. At the bottom of Page 6-1 (and in Figure 6.1-1) the Gardner Museum does not appear and should. This was also noted in our letter of July 20th. ⑩
11. On Page 6-7 on the third line from the bottom: Fenway Park opened in 1912 (first game: April 20th). ⑪

12. We, of course, support the reintroduction of the parking lot site to the Emerald Necklace and look forward to working with the developers, the Parks Department and other interested parties in seeing this accomplished. As we observed in our letter of July 20th, we question whether the necessary \$400,000 can be raised locally and suggest that further thought be given to how the restoration can be implemented.

12

Sincerely,



Robert B. Stephenson
Director of Planning

xc: Mr Patrick A. T. Lee, JMB/Urban Development
Mr James G. Keefe, Trinity Financial
Emmanuel College (Edward Duprez)
Gardner Museum (Anne Howley)
Simmons College (William Holmes)
MASCO (Rob Tassinari)
Kenmore Association (Lori Gordon)
Boston Parks & Recreation (Ellen Lipsey)
Mayors Office of Neighborhood Services (Ed Burke)

Boston-Fenway Program 1

The authors apologize for the oversight. A copy of Figure 2.2-3, with an East Fens label added, is included in Appendix V of this report.

Boston-Fenway Program 2

Olmsted Plaza Associates is prepared to contribute financially to the upgrading of the Fenway Park "T" stop as part of the second phase development. The specific improvements and associated costs are presently being negotiated pending operating and engineering studies of the station which are currently being undertaken by the MBTA. See responses to the MBTA letter of comment (Appendix VI).

Boston-Fenway Program 3

Some of the signal permits that were obtained from the MDPW proved to be obsolete. This intersection is one of those. The Evansway/Fenway/Prang signal is currently in the red/yellow flashing mode. The following improvements are recommended at this intersection:

- The signal should operate normally from 7 AM to 7 PM, and return to red/yellow flash mode at night.
- This signal should be interconnected with the Huntington/Ruggles controller via a time base coordinator or a hard wire interconnect so that they run in unison.
- The cost for these improvements is approximately \$5,000.
- As compared to the No Build, the AM Build LOS will improve from LOS E to LOS C, and the PM Build LOS will improve from LOS F to LOS B.

Boston-Fenway Program 4

To date, no agency with traffic expertise has stated any disagreement with this conclusion. Instead the knowledgeable agencies are working with the project proponent to refine mitigation measures to help make sure the predicted improvements do, in fact, take place.

Boston-Fenway Program 5

The Orange Line and E and C branches of the Green Line are noted where applicable in the text of Section 3.

Boston-Fenway Program 6

The figures in Table 3.11-4 do reflect counts taken during the summer months. As stated at the bottom of page 3-90 "... on-site surveys of D Line operations were conducted on June 22nd, for the PM peak period, between 4 and 6 PM, and on June 23rd for the AM peak period, between 7 and 9 AM".

Included in Appendix V of this report, is a table that provides some insight into seasonal variation in MBTA ridership.

Boston-Fenway Program 7

No response solicited.

Boston-Fenway Program 8

The choice of the wording "most noteworthy architectural feature" might well be revised to state "most widely recognized, noteworthy building". The statement was not meant to imply that the building is the best example of architecture in the Fenway. That is a subjective judgment best left to be made by each amateur architectural critic individually.

Boston-Fenway Program 9

The observation is quite correct. An amended version of Figure 5.5-4 is included in Appendix V.

Boston-Fenway Program 10

The Gardner Museum is noted as a historic site in Appendix V.

Boston-Fenway Program 11

This correction is noted and acknowledged.

Boston-Fenway Program 12

The developers have recently agreed to take a leadership role in raising the balance of funding needed to complete the park. See Section 16 of the Cooperation Agreement included in Appendix VI. In addition, permits required for commencing the second phase of the project will be linked to the park being completed.

CG

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K A F N I
Kenmore, Audubon Circle, Fenway Neighborhood Initiative
P.O. Box 127, Astor Station, Boston, MA 02123
(617) 267-4637

November 12, 1989

Mr. John deVillars, Secretary
Executive Office of Environmental Affairs
100 Cambridge Street - 20th floor
Boston, MA 02202

Att'n: MEPA Unit - Connie Getek

RE: Olmsted Plaza DPIR/DEIR, EOE No. 7643

Dear Secretary deVillars:

We are writing to you as the members of Sears Redevelopment Committee of KAFNI (the Kenmore, Audubon Circle, Fenway Neighborhood Initiative) to comment on the DPIR/DEIR for Olmsted Plaza.

KAFNI includes representatives from: the Fenway Community Development Corporation, Audubon Circle Neighborhood Association, Symphony Tenants Organizing Project, Fenway Civic Association, Gainsborough Neighborhood Association, Symphony United Neighbors, Kenmore Residents Association, Symphony Area Renaissance, Joint Committee on the Northeastern Master Plan, and unaffiliated neighborhood residents and business owners.

KAFNI's objective is to unite residents around a common vision for the future of the neighborhood. Using a democratic planning process, KAFNI will develop a Master Plan addressing development, zoning, and quality of life concerns. KAFNI's first priority is to maximize resident participation in neighborhood affairs. As representatives of this group, our objective is to portray accurately and advocate for residents' concerns and issues regarding the proposed redevelopment of the Sears site.

We applaud Olmsted Plaza Associates for their sensitivity to the proposed development's impact on the neighborhood. They have been accessible to residents, and they have made sincere efforts to address some of the residents' primary concerns.

Nevertheless, as the deadline for City and State approval of the development rapidly approaches, many issues of great concern to neighborhood residents remain unresolved. Olmsted Plaza, given its scale, will change the face of the neighborhood dramatically. It is therefore with a sense of urgency that we present our response to the DPIR/DEIR.

PUBLIC REVIEW OF DPIR/DEIR

The DPIR/DEIR does not contain the Housing or Employment Impact reports. This deficiency makes it difficult for us to respond adequately to the development proposal as a whole.

Further, we object to the short amount of time that the DPIR/DEIR was available to the public for comment. Exclusive of the missing housing and employment impact analysis, the report contains 365 pages of technical data. The community should have received at least 30 days, as required by City procedures, to evaluate adequately the entire proposal. For example, citizens reviewing the environmental reports for other large projects in the Boston area such as the Prudential redevelopment received 60 days to comment on the documents. ①

Because the report is incomplete, and because of the inadequate amount of time the report was available for public comment, this letter does not represent our final thoughts on the proposal. We reserve the option to submit additional comments on the DPIR/DEIR in the future.

HOUSING LINKAGE FUNDS

Olmsted Plaza will have a significant impact on the housing market in Audubon Circle, the Fenway, and Kenmore Square. KAFNI adamantly maintains that the best way to mitigate these impacts (which include higher costs, displacement, and greater density) is to target linkage funds from the development to the neighborhood. ②

This can be accomplished either through the "Housing Creation Option," or through a set-aside of funds similar to the model used in the Chinatown neighborhood. To date, no City linkage funds have been invested in Fenway, Audubon Circle, or Kenmore Square. Given the already critical need for affordable housing in the area and the added burden that Olmsted Plaza will place on the housing market, we strongly advocate this direct targeting.

Specifically, linkage funds should be invested in the following projects:

Boston University Property

KAFNI feels strongly that a portion of the linkage funds should be used to purchase housing units currently owned by Boston University in the Audubon Circle area and convert them into mixed-income housing. Approximately 250 units are currently available to B.U. students in the Audubon Circle neighborhood. Without housing linkage funds this

opportunity to expand the availability of affordable housing in the neighborhood will be lost. We call on the City and the Olmsted Plaza developers to financially back this critical project, which will increase neighborhood stability and improve residents' quality of life.

Unfortunately, it may take more than linkage funds to make the conversion of B.U. owned properties a reality. Negotiations between the neighborhood and B.U. have persisted for some time, and while the University has expressed its willingness to sell the properties, we still lack a formal agreement.

The community's endorsement of the Olmsted Plaza development hinges on a resolution of the neighborhood's negotiations with B.U. For Audubon Circle, the most effective means of mitigating the impacts of Olmsted Plaza will be to increase amount of mixed-income housing in the area. Therefore, the City and the developers should facilitate an agreement between the neighborhood and B.U.

Perhaps the most effective option for reaching a resolution of this issue would be to have the developers offer to purchase the Audubon Circle properties from B.U. for their current fair market value. Developers would work with KAFNI and Audubon Circle Neighborhood Association to select a non-profit developer to re-sell the properties to at a price that allows for the development of affordable housing.

Peterborough Street

We support the proposal to develop affordable housing on Sears-owned Peterborough Street parcel. However, in light of shrinking State and City budgets for producing affordable housing, linkage funds will be critical for making this proposal a reality. ③

Further, the value of the Peterborough Street parcel should not count toward the developer's contribution to the City's linkage fund; we believe that the parcel should be considered a direct contribution from the developer to the neighborhood to mitigate the impacts of the project to protect neighborhood quality and stability.

INTEREST BUY-DOWNS AND DOWN PAYMENTS

The Olmsted Plaza developers have stated a willingness to transfer the net income from the parking lot on Peterborough Street for two years to a program to assist residents in becoming homeowners. While home ownership is an important objective, we ④

feel the current proposal overlooks the fact that a very high percentage of the housing available in the area is rental. Further, an emphasis on home ownership precludes serving low-income residents; even with the type of assistance suggested, inflated housing costs in the area will preclude home ownership as an option for many households.

Therefore, we urge the developer to work with neighborhood residents and organizations to design a program that takes into account the type of housing stock available and the needs of the neighborhood's low- and moderate-income residents.

EMPLOYMENT

We have two primary issues regarding employment at Olmsted Plaza. First, neighborhood residents should be targeted for employment by tenants of Olmsted Plaza. Second, employment linkage funds should be used to help meet the training and employment needs of residents. (5)

A high percentage of jobs created by the development should be set aside for neighborhood residents. A jobs-for-residents policy will serve two important functions: It provides a perfect opportunity to link job training efforts that are created with linkage funds to the availability of jobs in the neighborhood.

Hiring neighborhood residents also reduces the development's negative housing and traffic impacts. Clearly, employees already living in the neighborhood would not increase the demand for housing. Similarly, neighborhood residents - who would not need cars to get to work - would decrease the demand for parking and would not contribute to the area's already overburdened streets.

The developer can ensure that neighborhood residents will be guaranteed a percentage of the jobs generated by Olmsted Plaza by placing lease restrictions on the project's tenants. These jobs should cover a range of income opportunities and job types. That is, in order to rent space at Olmsted Plaza, a tenant would have to set aside slots for current residents.

Second, employment linkage funds should be targeted to the neighborhood. The area's low median income points to the need for employment training and employment opportunities for residents.

TRAFFIC AND PEDESTRIAN ACCESS

While the proponents have presented an extensive traffic analysis, we have two primary concerns regarding the study. (6)

First, the analysis significantly underestimates the amount of traffic that will be generated by the project. Second, the viability of the traffic mitigation plan is uncertain, as many of the plan's components rely on action by either the City, the State, or the tenants of Olmsted Plaza. The following sections describe what analysis we would like to see in the final report.

Current Conditions Analysis

The proponents conducted their traffic counts during June, July, and August. Traffic in the area increases markedly in September after colleges and universities open in Boston and the summer vacation ends. We would like to see the proponents recount key intersections, or propose a method for seasonally adjusting the traffic counts, to reflect these higher volumes.

A similar comment can be made about the counts made at the Fenway T-Stop. The project proponents based their assessment of current use by spending one morning and one evening in June counting the number of people who use the station. Use of the station and of the rest of the line increases significantly during the fall when the many colleges and universities are in session and workers are back in full force, and as well during Red Sox games. We would like the proponent to take additional counts at the station to verify that their results are representative of other times during the year. ⑦

Both the traffic and public transportation counts are critical, as they form the basis for future year projections.

Trip Generation Assumptions

The proponents based their trip generation numbers on a variety of different sources. We do not have a question about these rates per se, but rather about the mix of uses in the building. It is projected that a significant portion of the development's office space will be for lab use; this has a lower trip generation rate than general office use. We are concerned that the mix of uses within the development will change and therefore that the amount of traffic generated is underestimated. In the final PIR/EIR, we would like the proponent to offer an analysis which shows the number of trips generated when a larger amount of office space is used in the development. ⑧

Mode Split Assumptions

The proponents assume that the mode split for Olmsted Plaza will be roughly 56% for cars and 44% for mass transit. Given the relatively easy access to the site by car, we feel that automobile usage has been underestimated. In addition, the ⑨

proponent assumes that 10-15% of the people travelling to the site will be van or car pooling. While we support all efforts to encourage employees to ride-share, we are skeptical about the ability to achieve such high rates of participation.

Other Planned or Approved Developments

Projected traffic levels from developments in the area other than Olmsted Plaza are under counted. The scale of the B.U. Armory development is not fully described, and the Massachusetts College of Art project can reasonably be expected to be completed by 1995. The impact of future development on the neighborhood's road system is therefore under represented. (10)

Overall Traffic Generation

When taken together, it is likely that changes in traffic counts, trip generation rates, mode split assumptions, and the addition of other developments in the area, will show that the projected traffic generation numbers for Olmsted Plaza have been underestimated. We would like the proponent to prepare a sensitivity analysis that shows how much traffic volumes grow with new assumptions of more office space, a lower mode split, additional development, and whether the higher numbers projected for the project cause additional traffic problems. (11)

Peterborough Street Parking

The 110 car parking lot at Jersey and Peterborough Streets is mistakenly included in the off-street parking inventory. This lot is intended to be converted to affordable housing as part of the overall community benefits package. (12)

East Fens Intersection

A key intersection not studied in this report is Hemenway Street and Westland Avenue, which is a major through-point from the West to the East Fens. It can be expected that the Olmsted Plaza development will add traffic to this already over-burdened intersection. (13)

Access and Egress From the Site

The DPIR/DEIR details access and egress to the site from Park Drive and Brookline Avenue, but it does not address how access and egress from Miner and Beacon Streets will be controlled. A proposal to develop access and egress along the Conrail right-of-way to Beacon Street via Maitland has apparently been abandoned. There is no question however, that access and egress from Beacon and Miner Streets will be used by employees, delivery personnel, (14)

and pedestrians, whether or not the connection from Miner to Fullerton Street is a public way. In that light, the report fails to address a significant traffic and noise impact on neighborhood residents, and fails to analyze the impact on streets and intersections affected by the resulting traffic patterns.

Pedestrian Issues

Pedestrian issues are a primary concern for residents. We feel the measures used in the report to evaluate pedestrian levels of service are inadequate. The key question is whether pedestrians are able to negotiate the crosswalks near the project. (15)

We have timed the pedestrian signals at the Brookline and Boylston intersection. Pedestrians have roughly 15-20 seconds to cross each of these two streets. Given the large number of elderly and disabled people, as well as young families (parents with baby carriages have a particularly hard time crossing the intersection) living in the West Fens, we question whether this condition will promote access to the site. These signals should be adjusted to maximize safety for pedestrians, and therefore the entire impact area traffic volume analysis may be affected.

Traffic Mitigation

We applaud the attempts to provide traffic mitigation through as many non-structural means as possible (i.e. heavy use of mass transit, better timing of lights, creating more capacity in the system, etc.). However, several important questions remain.

First, the proposed mitigation plan requires many actions by the City and the State. Are they prepared to make such commitments? What happens to the effectiveness of the mitigation efforts if they do not agree to make the proposed changes? Is the developer prepared to pay for these improvements if the City and State cannot afford them? In the final PIR/EIR, we would like to see a draft Section 61 finding and draft City transportation agreement, which details the true amount of traffic generated by the project, the project's impact on the mass transit system, mitigation measures to alleviate these impacts, who will pay for the mitigation, and when the mitigation will occur. (16)

Second, all of the improvements appear to be needed during the first phase of the project. What is the timetable for implementing the improvements? Will they be in place before all of the traffic impacts occur?

Third, while the mitigation plans are projected to improve the level of service at many intersections, many still remain at

level of service "F." What do the developers propose to do about these intersections?

Fourth, how does the traffic mitigation plan work if the amount of traffic generated by the project increases?

Fifth, we would like to see a strong monitoring system put in place to evaluate the effectiveness of mitigation efforts. Traffic performance standards should be met before Phases II and III of the project can proceed.

SCALE

The overall scale of the proposed development continues to be a significant stumbling block for resident approval of the project. There are three primary concerns about the scale of the development:

1. Olmsted Plaza will not be located in a downtown commercial area, but in a residential neighborhood. The project's impacts on traffic and parking, and on residents' access to light and open views, will directly effect the quality of life for nearby residents. (17)

2. The height of the proposed buildings is out of character with the abutting residential areas as well as nearby commercial structures. The issue is not the height of the new towers in relation to the existing Sears building, but of their relation to residences on the edge of the site. The Sears tower, while it is the tallest structure in the area, is set back from the property of residential abutters and therefore does not have an overshadowing impact on them.

3. The new towers, by virtue of their height, will visually deter from the architectural significance of the Sears tower.

To decrease the development's visual dominance of the area and to decrease its impact on residents' quality of life, the developer must consider either reducing the overall size of the development or reorganizing the square footage of the buildings on the site, particularly the tower on Park Drive. To accomplish the latter option, the size of the parking garage could be reduced and parking spaces made available for employees at Van Ness Street. We also propose that on-site underground parking be fully investigated as a development option.

CONSTRUCTION IMPACTS

Given the proximity of the site to existing residential neighborhoods, we would like to see a draft construction impact (18)

agreement included in the final PIR/EIR. In addition, KAFNI would like neighborhood review and comment before the final agreement is reached. We also request that a committee be formed that includes neighborhood residents, City representatives, and the development team. This committee would meet at least once per month to review compliance with the agreement as construction proceeds.

HAZARDOUS SUBSTANCES

The close proximity of a residential neighborhood to a proposed development that will lease space to companies and institutions involved in biomedical research has generated considerable concern among residents. While the DPIR/DEIR addresses the issue of biomedical waste from on-site research, recent history shows the inadequacy of local, state, and federal regulations to prevent the release of hazardous materials into the environment. It therefore remains unclear to us how exposure to toxic, radioactive, or bacterial substances will be prevented. All preventative measures must be fully address in the final PIR/EIR.

In addition to the controls on hazardous substances outlined in the report, the developer should ensure that regular inspections take place of handling, storage, disposal, and transportation systems. All documents, including copies of regulations, tenant permits, and inspection reports, must be easily available for public review.

CHILD CARE

We commend the inclusion of a day care center in the development. However, we feel that the center's size - 80 slots - will be inadequate to meet the demand of the estimated 5,000 employees. As well, to help meet the critical need for child care services in the neighborhood, the proposed center should be expanded to include an After-School Care program for working parents, and affordable slots should be set aside for neighborhood residents.

ENERGY CONSERVATION

It is discouraging to note that in nine pages devoted to the proposed development's energy usage, no mention is made of the need for conservation. A development the size of Olmsted Plaza will generate significant demand for energy resources; to ignore the social benefits of conservation is a serious oversight. The Olmsted Plaza developers should provide a detailed plan of their strategies for decreasing energy demand, how these strategies will be implemented, and who will be responsible for their implementation.

Further, the report states that both the Park Drive and Brookline Avenue buildings will be heated electrically. The developers should provide a justification for this choice, and a comparison of electricity to other fuels.

IMPLEMENTATION OF MITIGATION PLANS

Many of the mitigation plans suggested in the DPIR/DEIR are dependent either on the voluntary compliance of employees or contractors, or on actions and funding by City officials. This inevitably leads to the questions: Who is responsible for the implementation of these plans? What recourse do residents have if mitigation efforts fail?

22

The developers must reach agreement with the City and State on mitigation measures for traffic impacts, construction impacts, public benefits, etc. and formalize these agreements in a series of documents: a Section 61 finding on traffic and water/sewer issues from the State, a cooperation agreement, a DIP agreement, a transportation management agreement, a construction management program agreement, and the PDA agreement with the City.

To ensure that adequate responses to the concerns raised in this letter are included in those agreements, KAFNI requests that a draft of each agreement be incorporated into the final PIR/EIR.

In addition, KAFNI requests that the developers meet with the community before the final mitigation agreements are signed to allow for final community review and input into these documents.

Lastly, KAFNI requests that the project be broken into three phases and that the ability to construct each phase depends on the developer's compliance with mitigation plans. If the project's impacts have been mitigated, then the next phase should go forward. If mitigation has not been performed, or it has not proven successful, the development should not be allowed to move into the next phase.

We look forward to further discussions with the BRA on the Olmsted Plaza proposal, and to working with the City and the developers to arrive at a project that is mutually beneficial to the community's and the developer's interests.

Olmsted Plaza DPIR/DEIR

Sincerely,

John Blanchon
John Blanchon

Dolores Boogdanian
Dolores Boogdanian

Jim Buechl
Jim Buechl

Rebecca Calahan
Rebecca Calahan

Jon Klein
Jon Klein

Gilbert Loo
Gilbert Loo

Mary Mercure
Mary Mercure

Jack Mills
Jack Mills

Richard Pendleton
Richard Pendleton (24)

Nancy W. Weibust
Nancy Weibust

Ken Withers
Ken Withers

Steven Wolf
Steve Wolf

KAFNI 1

In its opening page the KAFNI letter states: "We applaud Olmsted Plaza Associates for their sensitivity to the proposed development's impact on the neighborhood. They have been accessible to residents, and they have made sincere efforts to address some of the residents' primary concerns." In responding to the KAFNI comments and concerns, particularly those offered under the heading of PUBLIC REVIEW OF THE DPIR/DEIR, the developer requests that KAFNI be equally sensitive to the unique characteristics of this project and its review process. For several reasons Olmsted Plaza Associates believe that the process has been thorough, and more than fair. First, the project site is outside the area to which Article 31 applies. The zoning code clearly states that "This article shall be applicable only in the Downtown/Northern Avenue Corridor area..." which has a western boundary at Massachusetts Avenue. Nonetheless the BRA requested, and the developer agreed, to undertake a voluntary Article 31 review. This decision was made based upon the perception that the project is a significant one to which the community, and KAFNI, as an active and interested neighborhood group, is very sensitive. By agreeing to undertake a voluntary Article 31 review, the City and the developer created a reasonable process for public participation; one that is well beyond any legal requirement that exists. This voluntary commitment was made despite significant schedule pressures and costs associated with the process. In making this commitment it was the developer's expectation that the City and the public would reciprocate with cooperative and expedited review efforts. Based upon the support voiced for the project by both KAFNI representatives and the representatives of the key City agencies at the BRA Board hearing concluded on November 30, 1989, it is now clear that the cooperative effort has been reciprocal. We trust that this means that KAFNI is now satisfied with the progress that has been made to resolve major issues subsequent to drafting this comment.

Second, the KAFNI letter expresses concern that the voluntary Article 31 submission is incomplete because it does not contain housing and employment reports. This observation is troublesome to Olmsted Plaza Associates from two standpoints. First, neither Article 31 nor MEPA has a requirement for housing and employment studies. Socioeconomic studies are specifically cited as being beyond the jurisdiction of MEPA, and Article 31 mandates studies for five development review components: a) Transportation, b) Environmental Protection, c) Urban Design, d) Historic Resources, and e) Infrastructure Systems. Members of KAFNI requested that housing and employment be considered, despite the lack of any regulatory basis for requiring such analysis. The developer, rather than resisting this request, agreed to undertake

both studies. The commitment to undertake these studies is made in the DPIR/DEIR. The studies themselves were issued at the earliest possible date, in draft form, and are included in the FPIR/FEIR. It is unfair to claim that the submissions are less than adequate when the developer has gone to such lengths to satisfy community interests. It is our understanding that KAFNI no longer feels that this concern is a basis for delaying the project.

The KAFNI letter also objects to "...the short amount of time available to the public for comment." It states that at least 30 days should have been made available to evaluate the proposal. In fact the public had more than 30 days. In its community meeting of September 28, 1989, which was well attended, representatives of Olmsted Plaza Associates publicly announced that the joint DPIR/DEIR would be filed the following day. The BRA published its notice of availability in the Boston Herald on October 3, 1989, and MEPA noticed the availability of the DEIR in its Environmental Monitor of October 12, 1989. The City process was held open until November 3, 1989; the MEPA comment period was held open until November 13, 1989. This means that the document was available for comments for as many as 46 days. To the best of our knowledge no request for a copy of the DPIR/DEIR was refused during this period. Furthermore, the developer by no means terminated dialogue over issues of concern to the community. Community meetings, in which relevant issues were discussed openly, continued, statutory review period requirements notwithstanding. The willingness of Olmsted Plaza Associates to continue discussions with interested groups and individuals will not end with the completion of the formal environmental review process. We believe that this is the key to the absence of opposition to the project at the BRA hearings for PDA status on November 30, 1989.

Last, the KAFNI letter compares the Olmsted review process unfavorably to the review process for the Prudential project, largely because it included a 60 day review period. We hope that the recent support offered by KAFNI is a reflection that this perception no longer exists. In any event, however, there is little basis for any such comparison. The Prudential project is within the Article 31 study area, its review schedule was negotiated and the project proponent for Prudential has none of the time pressures faced by Olmsted Plaza Associates. Olmsted Plaza Associates feel very strongly that the public must realize that delays in the review process for its project have vastly different consequences than delays for other projects. Suggestions that more additional time be devoted to formal reviews than is required by existing regulation are akin to euphemisms for stating the position that the proposal should be killed. The project proponents now know of no one that takes such a view.

KAFNI 2

In deference to concerns raised by KAFNI and other organizations, Olmsted Plaza Associates has agreed to pursue the Housing Creation option which would provide financial assistance, via Linkage Funds, for the development of mixed income housing at both the Peterborough Street site and at the BU properties at Audubon Circle. This option will be developed and submitted for approval by the linkage trust within 90 days of the project having received its required approval from the BRA, Boston Zoning Commission, and Zoning Board of Appeals.

KAFNI 2A

Since this comment was offered, the City has come to agreement with B.U. regarding its divesting itself of housing in the Audubon Circle area. This was announced at the BRA hearings for the Olmsted Plaza PAD. We understand that the KAFNI endorsement for the project is based, at least in part, on the fact that it is satisfied with the progress being made on this issue.

KAFNI 3

The Peterborough site is a parcel with real value. The developers received an unsolicited offer for \$1.5 million for the property. It has potential for several profitable uses. OPA has agreed to make the parcel available as an affordable housing site as part of its public benefits package. It has done so willingly in an effort to be a good neighbor to the Fenway community, and to participate in the City's efforts to create new supplies of affordable housing. Olmsted Plaza Associates, however, cannot agree with the suggestion that it receive no credit for the costs involved with making this commitment.

KAFNI 4

Olmsted Plaza Associates suggested the use of parking revenues to subsidize the purchase of affordable housing by local residents as an initiative that could be undertaken and administered simply and quickly. The proposal was by no means intended to suggest that there are not other means of helping provide housing subsidies to those who need them. Olmsted Plaza Associates is certainly available to discuss alternate means of applying the stream of revenue to housing needs in the Fenway. Such a dialogue could best be started by compiling a formal proposal for alternate use of the funds. The developer would discuss any such proposals with its authors, and with the appropriate City agencies.

KAFNI 5

The developer believes that the current employment proposals are responsive to the goals cited by the comment (see Sections 13, 14, and 17 of the Cooperation Agreement in Appendix VI). The Olmsted Plaza proposal includes establishing a job training center on-site. The establishment of the training center on-site obviously provides best possible access to existing residents of the Fenway. The availability of the center and the types of training provided will be widely advertised in the Fenway. The proponent believes that the training center will help prepare the unemployed and the underemployed both for job opportunities on the site, and for opportunities with other employers. It is certainly a goal of the developer to maximize local employment for all the reasons cited by KAFNI.

Olmsted Plaza Associates will encourage its tenants to hire locally. It will point out the benefits to both the employer and the development of having a local work force. The developers have publicly stated that they will seek to comply with the Boston Jobs and Boston for Boston programs. These are programs which OPA strongly supports. In addition, OPA will be seeking to develop job training programs geared to employing Fenway and Mission Hill residents. Specifically, OPA will be promoting the establishment of the Boston Health Careers Academy in the Fenway, which in addition to focusing on Boston high school graduates, will offer outreach and reference services to Fenway and Mission Hill residents. It will also offer pre-employment training for the unemployed and hard-to-employ in surrounding communities, particularly Mission Hill. In addition, the developers are seeking to establish a day-care training program for non-English speaking persons, perhaps using the day care center at Olmsted Plaza for on-the-job training or as a training laboratory. Finally, regarding jobs linkage funds, the developers are seeking to endow a scholarship program for Fenway/Mission Hill residents. These scholarships will enable area residents to obtain training in research-related occupations, such as research technicians, quality control managers and systems planners. These initiatives, and more, are currently being reviewed by the jobs linkage trust.

KAFNI 6

The KAFNI comment letter cites two primary concerns: a) "...the analysis significantly underestimates the amount of traffic that will be generated by the project" and b) "...the viability of the traffic mitigation plan is uncertain". The proponent feels that the first statement is incorrect, and the second statement reflects a misunderstanding of the process that is taking place.

The scope of the traffic study was the subject of long and thorough review. The proponent originally suggested a study area that it thought to be appropriate, together with a methodology for counting and projecting traffic. That proposed scope was presented to the BRA, BTM, and MEPA through the PNF/ENF. Knowing that traffic was a major concern with the Olmsted Plaza project MEPA, in its scoping decision, directed the proponent to have an additional topic-specific discussion with the various agencies with traffic expertise. The BRA, BTM, MDC, EOTC, and MASCO were invited to a session to review, in detail, the scope and methodology of traffic studies to be undertaken. At that meeting the study area was more than doubled in order to include each intersection for which each agency had some concern. At the same time the study methodology and the major assumptions to be used were reviewed. At the conclusion of the meeting there was consensus among the participants with technical backgrounds in transportation that an acceptable study had been designed. Most of the assumptions were derived from the BTM Transportation Access Plan Guidelines and from other recent studies. To state that the resultant studies underestimate traffic generated by the project is to disagree with the judgment of each agency with traffic expertise and jurisdiction in this matter.

The DPIR/DEIR did not profess to include a definitive traffic mitigation plan. Rather it was the intent of the traffic engineers to explore and outline the potential mitigation measures and present them for general review and consideration. That goal was accomplished. The various potential mitigation measures have been reviewed and discussed fairly continuously since the publication of the DPIR/DEIR. The status of consideration of the mitigation elements is reported in Section 3.4 of this report and in Appendix VI. It is our understanding that the mitigation program, as described by BTM in the November 30, 1989 BRA Board hearing, is acceptable to KAFNI.

KAFNI 7

This comment represents a misunderstanding of the time frame in which the traffic counts were undertaken. The misunderstanding springs from an erroneous statement in the DPIR/DEIR. At page 3-7 the report mistakenly states "Traffic volume data ... was obtained by a traffic count program conducted in June, July and August." This is not correct. The counts for the original 14 intersections were undertaken in the Spring when schools are normally in session. The original 14 intersections are those closest to the project site, and those for which the traffic engineers have the greatest concern. Supplementary traffic counts were taken in the summer months to provide data for the expanded study area. Likewise summer traffic counts were taken to characterize traffic for Red Sox events. The proponents are satisfied that this

data base provides a reasonable basis for characterizing existing traffic. It confirms that existing traffic conditions are congested in many areas.

Appendix V includes a table outlining monthly MBTA ridership variation. A table comparing Olmsted Plaza traffic count data to a parallel set of traffic counts sponsored by MASCO in 1987 can be found in Table 3.3-1 of the DPIR/DEIR. A table with the dates for which each traffic count was taken can be found on page 3-4 of this report.

KAFNI 8

The proponent is not prepared to speculate on traffic generation associated with alternate development scenarios. The mix outlined in the DPIR/DEIR and refined in Section 2 of this report is the best current estimate of likely uses in the project. It is entirely possible to postulate use mixes with either higher or lower trip generation characteristics, but no useful purpose is served by doing so. It is the proponent's belief that the concern implied in this comment is adequately addressed by the BTM requirement to have a monitoring program to measure real versus predicted traffic annually.

KAFNI 9

The traffic consultants are confident that the mode split assumptions are reasonable. They were adopted after reviewing BTM guidance and several other recent reports. The mode split cited is no more aggressive than those commonly being used in the area. Furthermore, the annual traffic monitoring report required by BTM should provide reasonable feedback with respect to the validity of this assumption. Please note that BTM is requiring the proponent to seek an even more aggressive transit split. This is noted in the Transportation Access Plan Agreement.

Olmsted Plaza Associates is committed to the encouragement of the use of public transportation.

KAFNI 10

The list of projects included in "background" traffic is clearly listed in the DPIR/DEIR in Table 3.3-2. The list of projects to be included was provided by the City. The uses included were taken from the reports provided to HMM Associates. The background estimates assume that all 13 of these projects will proceed at the use levels outlined. Furthermore, the background numbers add 1/2% per year to network volumes from other sources. These assumptions were

used despite observing decreases in traffic at several locations over the past two years, and despite the fact that employment projections, which drive background traffic, may need to be revised downward. In total, the traffic engineers are satisfied that background assumptions are quite conservative.

KAFNI 11

See response #8.

KAFNI 12

The parking lot at Peterborough Street is included in the "Existing Parking Supply Inventory". This is entirely accurate and appropriate. The parking lot will be converted to an affordable housing site in the future, however, so it is appropriate to assume that the 110 spaces will be removed from the local parking inventory in the future. A review of Table 3.13-4 indicates that this should not have a significant effect on the parking study results reported by HMM. Total off-street parking supply (exclusive of spaces being added by Olmsted Plaza) will decline to $956 - 110 = 846$, versus peak demand, at 4 PM, of 709.

KAFNI 13

The Hemenway Street/Westland Avenue intersection is several blocks east of the site. It is well beyond the study area proposed by HMM. It is even beyond the 24 intersection study area adopted by consensus of the transportation agencies much later. Due to its distance, and due to the fact that very little Olmsted Plaza related traffic is projected to use this route, it will not be added to the study area at this time.

KAFNI 14

The FEIR/FPIR has been updated, and two major changes are:

- The Maitland Street Connector has been eliminated because its overall impact to reducing traffic impacts did not justify its cost. These monies will be allocated to improving the LOS at other locations that sorely need mitigation.

- The gate to/from the Harvard Community Health Plan from Fullerton Street will be closed (chained). The Olmsted site trips will not be permitted to use the Miner Street Bridge which is a private way.

KAFNI 15

Olmsted Plaza Associates and the City share these concerns for pedestrian safety. In designing mitigating measures, HMM will verify that all modified intersections, changes in signal timing, and new signals include pedestrian phases that include ample pedestrian cycle times. It is very likely that pedestrian safety can be significantly improved as the traffic improvements are implemented. See Section 3.6 of this report.

KAFNI 16

The proposed traffic mitigation plans are outlined in Section 3.4 of this report. The developer, BRA, BTM, MDC and MASCO are currently meeting on a regular basis to work toward agreements on the process for implementing the traffic improvements discussed. The developer's obligations for assisting in the implementation of these measures are documented in the Transportation Access Plan Agreement and in the Cooperation Agreement. These documents are included as Appendix VI of this report.

The project proponent agrees that there is some sense of urgency to implementing mitigating measures. As reported in the DPIR/DEIR half the 24 intersections in the DPIR/DEIR study area operate at levels of service E and F. Congestion will worsen in the next several years, regardless of Olmsted Plaza activity, unless traffic improvements are implemented. Therefore, the project represents an opportunity to both subsidize and initiate a meaningful traffic improvements program that is long overdue. As noted in this report the suggested improvements will not remove all the problems of the existing network, but it will prevent conditions from eroding and, in fact, will represent significant improvements over the existing situation.

Olmsted Plaza Associates is working with BRA, BTM, and MDC to establish mutually acceptable schedules for undertaking the improvements. A suggested schedule is included in Section 3.4 of this report. More definition will be given to the schedule. It is up to BTM to review and amend that schedule as it sees fit.

KAFNI also asks how the mitigation program will work if the amount of traffic generated by the project increases. The answer is fairly simple: levels of service will decrease with

additional traffic, regardless of the source. If background traffic is higher, if other new projects arise, if business activity at other sites in the area increases, congestion will increase. The HMM studies, however, have made every reasonable attempt to identify and include likely sources of added traffic in the future. The monitoring plan suggested by KAFNI is a requirement of the City. It is the one logical way to verify that project-driven traffic projections are accurate.

While Olmsted Plaza Associates is opposed to formal traffic performance standards as prerequisites for subsequent construction, it should be noted that the Transportation Access Plan Agreement, together with the Cooperation Agreement, includes performance standards that trigger requirements to supplement additional mitigation efforts. It should also be recognized that traffic acts as a natural market-force valve for the project. Leasing space in buildings that are unreachable by virtue of a gridlocked street system would be a nearly impossible task. The proponent, as much as anyone, must have a workable traffic mitigation program to preserve the value of the development.

KAFNI 17

The proponent is well aware of the nature of the site. After dozens of meetings with the interested public, Olmsted Plaza Associates feels it has a command of the critical issues in the neighborhood. The design of the project, its mix of uses, the public benefits program, and the mitigation efforts reflect extraordinary efforts to enhance the quality of life for the neighbors of the project. The developer trusts that the continuing dialogue, the reductions in the scale of the project, up to and including the reductions specified at the PDA hearing of November 30, 1989, the numerous commitments to mitigate potential impacts, and the far reaching public benefits program have convinced KAFNI that the current list of positive impacts to the neighborhood outweigh any residual negative impacts to the quality of life that may be perceived by KAFNI constituents.

KAFNI 18

Olmsted Plaza Associates will make a copy of the draft Construction Management Plan available to KAFNI before it is finalized. BRA and BTM will consider any comments offered by KAFNI prior to implementing the plan, provided, of course they are offered, in writing, and in timely fashion. The Plan must be in place before a building permit can be issued.

The plan will identify the developer's representative for handling complaints on construction. This representative will be available, daily, to respond to any observed violations

of the agreement. While the developer feels formal compliance review meetings could be scheduled on an as-needed basis, he would certainly make his representative available for monthly meetings with a committee of the type suggested by KAFNI if this is deemed desirable.

KAFNI 19

The developers have forwarded to KAFNI a memo from Hale & Dorr, legal counsel for the project, outlining the federal, state and local statutes which must be complied with regarding hazardous substances. A separate Solid and Hazardous Wastes Management Plan is currently being drafted that will outline the developers' commitments in this area. The preliminary plan is included in Section 2.2.

KAFNI 20

The developers are contemplating soliciting proposals from a number of area day care providers. Each will be asked to identify measures they will take to provide after school care for school age children. Slots will be set aside for both Fenway/Mission Hill resident workers in the building, and for lower income parents. The proposals will be reviewed with neighborhood groups before a final selection is made. In addition, OPA will ask providers to address ways in which the day care center could support the day care training program cited in the response to KAFNI 5.

Upon reviewing the space set aside for day care, OPA feels that the center can service at least 100 children, rather than the 80 reported in the DPIR/DEIR. Finally, in deference to a request made by KAFNI, OPA will ensure that the day care center will comply with pending City regulations. Also, see Section 17 of the Cooperation Agreement (Appendix VI).

KAFNI 21

To date the efforts of the Olmsted Plaza consulting team have focused upon the issues cited in the BRA and MEPA scopes. It has been necessary and prudent to do this in light of the time pressure facing the project. Neither scope cited the need to discuss conservation measures. Therefore, detailed conservation planning efforts have been deferred until after the first of the new year. The absence of such a discussion, however, should not be construed to reflect a lack of concern on the part of the developer. Olmsted Plaza Associates is committed to designing and implementing systems that include state of the art conservation techniques and equipment. To do so is economically wise, as well as socially aware.

KAFNI 22

See response #16.

In its last comment the KAFNI letter reiterates a request that the project be broken into three phases, with the intent that approvals be given in parallel phases. Olmsted Plaza sees and understands the rationale for such a request, but suggests a less drastic control mechanism for two reasons. First, a phased approval would put the entire project in jeopardy. The purchase price is not phased. It is fixed, and due upon closing. It is unlikely that Sears or any other informed seller would accept a sale under any other condition. The fixed price of the property is based upon the assumption that the total land cost can be amortized over the full build out of the project. Under any lesser build out the land cost per square foot of leasable area increases, and the project ceases to be economically viable. This being the case no competent lender will finance the development unless he has reasonable assurance that the project has the permits needed to support development at the levels necessary to support a viable undertaking.

A similar situation is true for the City. The City must have a fixed commitment for linkage and other public benefits programs. Since linkage and public benefits contributions are a function of the square footage of the development it is important for the City to have the project size fixed.

Second, it is important to note that the environmental review processes discourage developers from seeking approvals in piecemeal fashion. The State and City alike encourage applicants to describe the consequences of a fully developed project rather than seeking permits one small step at a time. The phasing suggested appears to be incompatible with this long-standing environmental review precept.

All these factors notwithstanding many attempts have been made to address the underlying KAFNI concern. These attempts are included in the Cooperation and Transportation Access Plan Agreements that are included as Appendix VI. The agreement includes several measures to monitor the success of the mitigating measures, and to take corrective actions where the objectives of the mitigation plan are not met. It is the proponent's understanding that KAFNI feels that the progress made on this issue is responsive to their concerns. Also see responses to Audubon Circle 8, Children's Hospital 5, and MDC 1.

M A S C O

1004
MEPA

MEDICAL AREA SERVICE CORPORATION

November 3, 1989

Ms. Connie Getek
EOEA/MEPA Unit
100 Cambridge Street
Boston, MA 02202

RE: Olmsted Plaza Draft Environmental Impact Report (DEIR - EOEA #7643) and Draft Project Impact Report (DPIR)

Dear Ms. Getek:

We welcome the opportunity to submit joint comments to both the BRA and EOEA on this important development project for the Boston economy. The redevelopment of the former Sears distribution facility in the Fenway area, on the edge of the Longwood Medical Area (LMA), is a positive step towards the revitalization of the Brookline Avenue/Boylston Street commercial corridor, potentially bringing much needed jobs to the communities of the Fenway, Audubon Circle, and Mission Hill.

We support the developers' plans to deed to the City of Boston the important "missing link" of Frederick Law Olmsted's historic Emerald Necklace. As open space activists in this area, and as a member of the Emerald Necklace Advisory Board established by the City of Boston to guide the planning and implementation of park improvements, we look forward to working with Olmsted Plaza Associates in the further refinement of landscape plans for this parcel, in keeping with the extensive work that has gone into the Emerald Necklace Master Plan over the last several years.

The project will also make an important contribution to housing in the Fenway area, through the contribution of the parcel on Peterborough Street to the Fenway Community Development Corporation (FCDC) for the development of affordable housing.

Given the project's location relative to and its projected traffic impacts on the LMA, we are committed to working with the developers and their consulting engineers, HMM Associates, to develop additional analysis and mitigation measures to address traffic congestion at key intersections, particularly in the LMA, as well as promoting an area-wide commuter mobility program. The work to date is a good start but needs to further consider

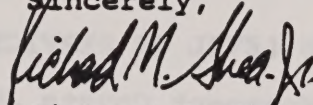
333 Longwood Avenue, Boston, Massachusetts 02115 617 732-2310 FAX: 617 732-2759

MEMBER INSTITUTIONS • Beth Israel Hospital Boston • Brigham and Women's Hospital • The Children's Hospital • Dana-Farber Cancer Institute
Emmanuel College • Harvard University Medical School • Harvard University School of Dental Medicine • Harvard University School of Public Health
Joslin Diabetes Center • Massachusetts College of Pharmacy and Allied Health Sciences • New England Deaconess Hospital • Simmons College
Temple Israel • Wheelock College • Winsor School

MEDICAL AREA SERVICE CORPORATION

additional ways to improve traffic in the LMA, including key recommendations from the Longwood Medical Area Transportation Study completed in 1988. We trust that, with additional analysis, the developers will offer specific commitments to transportation mitigation measures which are adequate, have a realistic chance of being built, and for which commitment letters from the appropriate state and local agencies have been secured. Our comments of a more technical nature are attached. ①

Sincerely,



Richard M. Shea, Jr.
Vice President
Area Planning and Development

Encl.

cc: Jim Keefe, Trinity Financial
Patrick Lee, Olmsted Plaza Associates

TECHNICAL COMMENTS

MASCO's review of the DPIR/DEIR revealed a number of issues that need further study (and several inconsistencies), which are listed below:

INTERSECTION LEVEL OF SERVICE (LOS) ANALYSIS

o Turning Movement Counts (TMCs)

Olmsted Plaza DPIR/DEIR traffic counts taken in 1989 in many circumstances are considerably lower than the counts taken for the LMA Transportation Study in 1987. TMCs conducted by MASCO at the site before the closure of the Sears facility would not indicate the reduction of traffic to the level stated in the DPIR/DEIR, which indicated a growth rate of -2.11%/year (see Table 3.3-1). For more information see LMA Transportation Study, MASCO/VHB, 1987-88 and Sears Building Reuse Study, SOM, 1987. (2)

Where DPIR/DEIR counts are lower than LMA Transportation Study counts, LMA counts should be used.

o Storage Availability

Storage availability, or lack of, should be taken into account during LOS analyses of the following intersections: Sears Rotary, Longwood/Riverway intersection, and the Brookline/The Riverway intersection. (3)

We suggest that the analyzed results should be adjusted to reflect the Chapel Street's proximity to Longwood/Riverway intersection and the Francis Street's proximity to Brookline/Riverway intersection.

o Signal Phasing

The report's intersection analyses disregarded certain aspects of the signal phases of the following intersections: (4)

1) Brookline/Longwood intersection

- o Brookline SB approach has a Left-turn arrow.

2) Longwood/The Riverway intersection

- o Riverway NB approach has a Left-turn arrow.

3) Brookline/The Riverway intersection

- o Exclusive pedestrian phase was added in 1988.

These discrepancies should be reviewed, explained, or re-analyzed.

o Lane Movements

⑤

A number of the lane movements shown in the Appendices (Volume II Traffic, Appendix F-6 1989 Existing) are incorrect, including:

1) Longwood/The Riverway intersection

- o Riverway NB approaches should be from left; Left-turn only, and Through and Right-turn.
- o No separate Right-turn lane on Longwood WB.
- o Riverway SB Left turns are illegal.

2) Brookline/Longwood intersection

- o Longwood WB Left lane should be analyzed as an exclusive Left turn.
- o On-street parking should be shown on the drawings as it exists.

3) Huntington/Ruggles/Louis Prang intersection

- o Huntington NB Right lane should be analyzed as Right-turn only.
- o Parking on Huntington northbound north of intersection should be shown.

4) Brookline/The Riverway intersection

- o Brookline NB Left lane should be an exclusive Left-turn lane.
- o Brookline Avenue SB Left lane should be exclusive Left-turn lane, Right lane is a Right and Through lane.
- o The Riverway NB Right lane is an exclusive Right-turn lane.

5) The Fenway/Avenue Louis Pasteur intersection

- o Incorrect movements are used to analyze this intersection.

These intersections should be re-analyzed with the correct lane movements.

MITIGATION MEASURES

- o Brookline/Longwood and Brookline/The Riverway (6)

Additional on-street parking spaces need to be removed in order to accommodate left-turn bays. The LMA Transportation Study recommends the removal of all metered parking on Brookline Avenue between The Fenway and the Town of Brookline. For more information see LMA Transportation Study, MASCO/VHB, 1987-88, and Brookline Avenue meter removal concepts prepared by Vanasse Hangen Brustlin.

- o Sears Rotary

The major problem with the Sears Rotary, as indicated in the LMA Transportation Study, is insufficient storage. The two recommended improvements (Pure Rotary and T-intersection) do not address this issue. A signalization of the Riverway/Park Drive merge should be evaluated with the closure of the westbound Park Drive loop at The Fenway/Brookline intersection. (8)

- o One-way Couplet

Many of the resulting volumes for the US One-way Couplet are incorrect. Also, according to the LMA Transportation Study, considerable LOS improvements to the Sears Rotary, Longwood/The Riverway, Brookline/Longwood, and Brookline/The Riverway intersections result from a one-way couplet (between the rotary and the Brookline/The Riverway intersection). Therefore, the southern portion of this recommendation should not be dismissed.

- o Modifications to the Longwood Avenue/Riverway Intersection

It is not clear whether the study supports the modifications at Longwood/The Riverway recommended by the LMA Transportation Study and follow-up analyses which show that LOS "C" or "D" can be achieved by closing Longwood Avenue's south side crosswalk and allowing northbound (NB) left-turning vehicles during the pedestrian phase, but not during the NB through-traffic phase.

PUBLIC TRANSPORTATION

o Impact on MBTA Route 47

The average load factor during the AM peak hour of service from Ruggles Station to the LMA, according to the 1987 Boarding and Alighting Analysis conducted by MASCO, was 1.16. The PM peak hour average load factor for service from the LMA to Ruggles Station was 1.05. With the additional ridership generated by the project and other area development, the average load factor during the AM and PM peak hour between Ruggles and the project will far exceed the State DPU's maximum of 25% standees. The resulting poor service will not be viewed as a viable commute alternative. Improvements have to be made to the Route 47 service in order to accommodate the projected future demand. ⑦

o Fenway Station Improvements

In order for the project to achieve the transit mode split indicated in the Report, improvements have to be made to the Fenway Station. Because the improvements will not be completed until the second phase of the project, more vehicle trips than projected will be generated between the completion of phase one and phase two. ⑧

We suggest that temporary improvements be made to enhance the quality of walking to and from the station and increase the transit mode split for phase one.

MASCO 1

The current state of the efforts to plan for and implement mitigation measures for traffic is reflected in Section 3.4 of this report. Olmsted Plaza is pleased to include MASCO and its traffic consultants in the team of professionals working toward solutions to the long-standing traffic problems in the area.

MASCO 2

The latest AM PM peak hour traffic counts collected in 1989, as compared to the VHB counts collected in 1987 indicate:

	<u>AM</u>	<u>PM</u>
1. Park/Brookline/Boylston	5.5% Drop	4.8% Drop
2. Brookline at Fenway	1.5% Drop	2.8% Drop
3. Longwood at Riverway	13.0% Drop	2.8% Drop
4. Brookline at Longwood	2.5% Drop	6.9% Drop
5. Fenway at L. Pasteur	16.0% Rise	15.4% Rise
6. Huntington at Ruggles	5.8% Drop	5.0% Drop
7. Brookline at Riverway	19.0% Drop	16.6% Drop
8. Riverway Fenway Merge	1.0% Rise	8.2% Rise

Locations 5 and 8 show traffic increases. Locations 1, 2, 4, and 6 show slight drops in volume which are normal fluctuations for peak hour traffic counts taken on different days of the week. Locations 3 and 7 show substantial drops in traffic which is due to each intersection operating at or beyond capacity (i.e., LOS F). Since all of the locations that showed a drop in traffic operated at LOS E or LOS F, we felt it was not necessary to factor up counts that show obvious problems. The -2.11%/year rate was presented in the DEIR/DPIR, but the +0.5%/year growth rate was the rate used for the no-build traffic growth (page 3-17), along with new traffic from 12 other nearby developments (page 3-20).

MASCO 3

The availability of left turn bay storage is being taken into account at all locations that require mitigation. We have computed the storage length for left turning vehicles based upon a 95% probability of random arrivals (Poisson Distribution). Several locations, rotary

intersections and Longwood Avenue at Chapel Street, experience queue backups through adjacent intersections. The required CINCH software is not capable of modeling such events. However, we have rerun all rotary and Longwood Avenue CINCH runs so that these adjacent intersections operate on a common signal cycle. We are in the process of using Passer 2 to analyze the time-space diagrams for the rotary and Brookline Avenue intersections. This is a work task beyond the Scope of the FPIR/FEIR that is being done in response to BTB and MDC requests for additional information. This work, along with queuing plans will be available for review in January.

MASCO 4

Signal Phasing

The directional movement of the Brookline/Riverway, Longwood/Riverway, Brookline/Longwood intersections are not consistent with the directions of MASCO. In general, our eastbound and westbound movements are MASCO's northbound and southbound movements, respectively. The pedestrian phase for Brookline/Riverway location is now included in the FPIR/FEIR traffic analysis.

MASCO 5

Lane Movements

The lane movements appearing in the geometric graphics of the DPIR/DEIR appendices (Volume II Traffic, Appendix F-6 1989 Existing) do not agree with the analysis lane movements and have no effect on the CINCH runs, which are correct. The CINCH runs contain the following correct lane movements:

1. Longwood/The Riverway intersection:

- Riverway NB approaches are from left; left-turn only, through, and through and right-turn.
- No separate right-turn lane on Longwood WB.
- Riverway SB left turns are illegal.

2. Brookline/Longwood intersection:

- Longwood WB left lane is analyzed as an exclusive left-turn.

3. Huntington/Ruggles/Louis Prang intersection:

- Huntington NB right lane is analyzed as right-turn only.

4. Brookline/The Riverway intersection:

- Brookline NB left lane is an exclusive left-turn lane.
- Brookline Avenue SB left lane is an exclusive left-turn lane, right lane is a right and through lane.
- The Riverway NB right lane is an exclusive right-turn lane.

5. The Fenway/Avenue Louis Pasteur intersection:

- This intersection analysis has been changed with new lane movements and correct geometrics.

MASCO 6

A considerable amount of work has been undertaken on traffic mitigation measures. This work is reflected in Section 3.4 of this report. The authors believe that each of these concerns is addressed in the mitigation plan as currently described, with the exception of the Longwood/Riverway modification suggested by the LMA Study. It is the understanding of Olmsted Plaza Associates that neither MDC nor BTM is presently willing to endorse this measure. The proponent, however, is more than willing to continue the dialogue on this issue.

MASCO 7

The Route 47 bus line study for the Olmsted Plaza project, which was conducted at the bus stops at Audubon Circle in August 1989, was to evaluate the quality of service provided by Route 47 to the site location area, including the service frequency and load factor at these bus

stops. The bus line demand and capacity analysis was not a study objective. It is clear that the demand-capacity analysis should be at the highest demand location on the line. In this case, it is between Ruggles Station and the LMA.

Although, according to MASCO transportation management staff, the Route 47 demand by LMA students and employees is high, it does not warrant MASCO providing shuttle bus service. Such service is economically unfeasible.

With the projected demand from Olmsted Plaza, it is recommended that the developer and MASCO determine the feasibility of jointly providing a shuttle bus service between Ruggles Station and the site and the LMA area. Providing the service will directly relieve the Route 47 demand on this segment.

MASCO 8

Fenway Park Station is critical to the success of Olmsted Plaza. It is imperative to the success of the project that access to an upgraded station be maximized during all phases of development. Olmsted Plaza Associates will continue to work with the MBTA to ensure that this vital link to the site be upgraded and kept active, thus assuring the attainment of the aggressive mode split goals. Please refer to the responses to the MBTA letter. Note that no Phase I analysis was undertaken. The analysis addresses the peak operational traffic associated with a completed project.

Boston

Raymond L. Flynn, Mayor

Nov. 13, 1989

RECEIVED
NOV 13 1989
MEPA

Secretary John P. DeVillars
Executive Office of Environmental Affairs
100 Cambridge St.
Boston, MA 02202

ATTN: MEPA Unit

RE: Olmsted Plaza Draft Environmental Impact Report

Dear Secretary DeVillars:

I am in receipt of the DEIR for the Olmsted Plaza redevelopment project at 309 Park Drive, and would like to submit the following comments.

I understand that this project is on an accelerated course through the State and City approval process, and that the developers will be submitting a Final EIR very shortly. We have communicated our comments on the DEIR to the developers already, and expect that they will be responded to in the Final. The purpose of this letter is to inform MEPA of the general scope of our review, and of the issues which we feel must be resolved before final project approvals are given.

The Olmsted Plaza project represents over 1.5 million square feet of office, research and development, retail and hotel space, in an area which is very sensitive to additional traffic on local roadways. The DEIR demonstrates that many intersections in the area are currently operating at or above congested levels of service. In order for the project to be successful, there will need to be careful coordination and cooperation between the developer and the various public agencies responsible for transportation in the area.

Existing Conditions

Many of the traffic counts establishing baseline conditions in the area were taken in the summer months. It is the impression of community residents, expressed at public meetings to review this project, that traffic volumes are considerably higher when college is in session. Also, MASCO has noted that the volumes counted by



Richard A. Dimino, Commissioner, Transportation Department
City of Boston/City Hall Square/Boston, MA 02201

the project proponents are lower at many locations than those found by MASCO's consultants two years ago during a traffic study in the Medical Area. Therefore, the proponents have been asked to re-examine the volumes they have used in light of these comments, and apply appropriate seasonal adjustment factors where necessary to find volumes more reflective of annual peak conditions. ①

Likewise, passenger counts on the Green Line at the Fenway stop should be adjusted to reflect the higher use of transit services during the school year. ②

Project Impacts

The trip generation, modal split and trip distribution factors used in the analysis are generally acceptable, with the exception of the assumption that only 25% of retail and hotel employees will drive to work. This assumption should be revised upward. ③

I understand that in the FEIR, a new alternative will be examined wherein the on-site garage is reduced in size, and a second garage added, for phase 2, on a developer-owned site on Van Ness Street. The traffic impacts of this alternative should be fully examined, especially the impacts of the second garage. ④

The DEIR indicates that there are no substantial project impacts or potential congestion at the Boylston/Park intersection (#8). However, experience suggests that a problem may exist at the nearby intersection of Boylston and Ipswich. The proponent should analyze this intersection. ⑤

Mitigation Measures

A series of measures have been proposed in the DEIR to mitigate the impacts of the project and to improve traffic circulation generally in the area. We are working with the proponent, and where appropriate, the MDC, to evaluate and refine these proposals. ⑥

- Sears Circle. The viability under the Build Condition of the circulation alternatives proposed for the Circle, as well as for the existing circulation pattern, depend to large extent on the ability of the signals in the Circle to be sequenced in a manner that permits a smooth traffic progression without the buildup of queues from one signal to another. This question needs detailed analysis.

- Riverway/Longwood Ave. The proposed alteration of pedestrian crosswalks, and installation of barriers to enforce their use, is not practical. A more promising approach is the synchronization of this signal with the one at Longwood/Chapel St. The MDC should pursue this idea with the town of Brookline.

- Riverway/Longwood. The proposal to widen the Riverway at this point is not practical. The City of Boston has proposed to the MDC the idea of peak-hour left turn prohibitions on both Riverway and the eastbound Brookline approaches. The MDC is evaluating this idea.

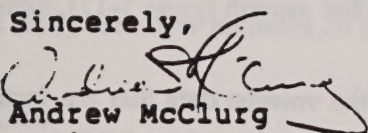
- Maitland Street connector. This measure, as analyzed, does not provide the benefits, particularly in Sears Circle, that would justify it, and we understand that it will be dropped in the FEIR. It is important, however, that the bridge between Miner Street and Fullerton not be used as an informal substitute for the Maitland Street connector. A plan for the future of the bridge should be developed.

- Fenway Station. The developer's plans to integrate the Fenway Station with the new Park Drive office building are welcome. We look forward to developing a plan for this improvement with the developer. We are interested to see that the improvements are made as early in the development schedule as possible. Since the Park Drive office building is part of phase 2, it may be necessary to institute some temporary improvements during phase 1, in order to serve area users and workers at the Sears building.

- Pedestrian Conditions. Community meetings indicate that this is among the most important issues surrounding this project. The DEIR's analysis included counting of pedestrians only at crosswalks. The FEIR should contain an improved discussion of pedestrian issues. All pedestrians around the site should be counted, including those who do not cross at crosswalks. Special care must be taken to provide for pedestrian safety in this area. In particular, the crossing of Brookline and Boylston along Park Drive must be made safe through the provision of adequate pedestrian green time.

Thank you for the opportunity to comment on this DEIR. We will continue to work with the developer, the community, and other public agencies in the review of this project. We look forward to reviewing the FEIR.

Sincerely,


Andrew McClurg
Senior Transportation Planner

6542T

BTD 1

HMM collected traffic counts from April to November 1989, at 26 locations. At 16 locations the counts were taken during the college semester. All traffic flows were adjusted so that the midblock volumes between locations balanced. This was done at locations that did not have several cross-streets or garage driveways that would affect the midblock volumes.

The latest AM/PM peak hour traffic counts collected in 1989, as compared to the VHB counts collected in 1987, indicate:

	<u>AM</u>	<u>PM</u>
1. Park/Brookline/Boylston	5.5% Drop	4.8% Drop
2. Brookline at Fenway	1.5% Drop	2.8% Drop
3. Longwood at Riverway	13.0% Drop	2.8% Drop
4. Brookline at Longwood	2.5% Drop	6.9% Drop
5. Fenway at L. Pasteur	16.0% Rise	15.4% Rise
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7. Brookline at Riverway	19.0% Drop	16.6% Drop
8. Riverway Fenway Merge	1.0% Rise	8.2% Rise

Locations 5 and 8 show traffic increases.

Locations 1, 2, 4 and 6 show slight drops in volume which are normal fluctuations for peak hour traffic counts taken on different days of the week.

Locations 3 and 7 show substantial drops in traffic, which is due to each intersection operating at or beyond capacity (i.e., LOS F). Since all of the locations that showed a drop in traffic operated at LOS E or LOS F, we felt it was not necessary to factor up existing counts that show obvious problems. The -2.11%/year rate was presented in the DEIR/DPIR, but the +0.5%/yr growth rate was the rate used for the No Build traffic growth (page 3-17), along with new traffic from 12 other nearby developments (page 3-20).

Finally, according to MEPA traffic guidelines (B.2.) "the volume data that are factored to base year levels should be no more than 2 years old on the submittal date of the DEIR".

BTD 2

The transit analysis included in Section 3.5 of this report includes some analysis of variation in transit usage by day of the week. Appendix V to the report includes some general MBTA statistics on seasonal variations in transit usage. The proponent agrees that transit usage is lower in summer months, but the relative contributions of the project, as reported in the DPIR/DEIR, do not change with fluctuations in the baseline usage levels.

BTD 3

For the Brookline Avenue office option (Option A), if we were to double the auto mode split for retail employees to 50%, the AM inbound vehicle trips would increase by four VPH, and the PM outbound vehicle trips would increase by seven VPH. For the Brookline Avenue hotel option (Option B, now defunct), if the auto mode split for hotel and retail employees were to double to 50%, the AM inbound vehicle trips would increase by 10 VPH, and the PM outbound vehicle trips would increase by nine VPH. Since this increase is almost negligible, we can safely assume that there will be no change in computed LOS values. Also, the DPIR/DEIR takes no reduction for internal trip satisfaction, trip interception, or trip diversions for hotel/retail passby trips.

BTD 4

The split parking concept is fully described in Section 2.1 of this report. The impacts, both positive and negative of the split parking concept, are analyzed in Section 3.4.

BTD 5

At the request of BTD this intersection has been added to the list of intersections included in the traffic analysis. Another intersection was added in response to an MDC request. In total, the study area now includes 26 intersections. See Section 3.4.

BTD 6

Section 3.4 includes a complete description of the mitigation program suggested by HMM. The developer has committed to continue working with BTD, MDC and others on refining mitigation efforts. The developer's commitment to mitigation is contained in Appendix VI of this report.



Stern Realty Systems, Inc., Agent
100 Centre Street Brookline, MA 02146
731-5905

Riverway Square Condominium Trust 11 47 A.M. '89

September 28, 1989

Mr. Stephen Coyle
Director
Boston Redevelopment Authority
One City Hall Square
Boston, MA 02101

Dear Mr. Coyle:

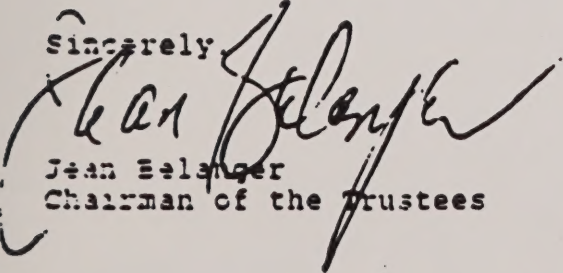
On Tuesday September 26 over 20 members of our condominium association met with representatives of the development team, Cinated Plaza Associates, to review their proposed plans for the redevelopment of the Sears properties. The Riverway Court Condominium is a 100 unit residence primarily owner-occupied located directly across the street from the main Sears property.

Based upon our review of the plans and a subsequent question and answer period, we would like to express our support for this project. In part, we are pleased with the massing and scale of the project, as it has been downsized from previous proposals. We are impressed with their design concept for the site and buildings, particularly with respect to pedestrian circulation and the neighborhood-based retail component on the first floor. However, we are most excited by the developer's commitment to reconvey the Park Drive parking lot back to the City, which is virtually in front of our property, and take a strong and credible leadership role in its reconstruction as a park.

While we continue to have concerns about traffic and parking we are confident that the developers will continue to work with City officials and neighborhood leaders in developing an effective traffic mitigation plan. Also, we are pleased that the developer has expressed interest in making overnight parking available for residents at a reduced rate. In no way do we want this development to worsen parking problems in the neighborhood and ideally we hope it could alleviate this most pressing problem.

In short, we are very pleased with the plans for this project, and hope that the BRA can make this project a reality.

Sincerely,


Jean Belanger
Chairman of the Trustees

Riverway Square Condominium Trust

Olmsted Plaza Associates thank you for your support of our project.

Wheelock College

100 State Street
Boston, Massachusetts 02109
617/552-1100

100 State Street
Boston, Massachusetts 02109
617/552-1100

October 26, 1989

James G. Keefe, President
Trinity Financial
The Old South Building
294 Washington Street
Boston, MA 02108

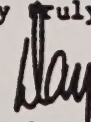
Dear Mr. Keefe:

Bob Walsh and I appreciated your taking the time to meet with us at Wheelock College to explain the proposed redevelopment of the Sears property near Kenmore Square. We have also appreciated the care and attention which has been devoted to soliciting opinions from all the constituent groups in our neighborhood, and I want to commend you for reaching out in constructive ways to involve us.

We support the proposed project and believe it will make a positive contribution to both the economic basis and the quality of life in this neighborhood. We remain concerned about the overall traffic and parking problems in the area, which we cannot blame on your project, and hope very much that you will continue to work for overall long-term improvements in the traffic flow and availability of parking. Certainly your project seems to have done more than its fair share to avoid having an adverse impact on present traffic conditions. Perhaps with your additional help, we will be able to see an actual improvement in traffic conditions in the next decade.

Our interest in improving the traffic situation, however, does not detract from our support for your project. To the contrary, we hope very much it receives the necessary approvals so that construction can begin promptly. We look forward to its completion, and to welcoming it as a full member of our neighborhood.

Very truly yours,


Daniel S. Cheever, Jr.
President

Wheelock College

Olmsted Plaza Associates thank you for your support of our project.

October 14, 1983

Mr. Stephen Coyle, Director
c/o Shirley Mulhearn
Boston Redevelopment Authority
Boston City Hall, Room 511
Boston, MA. 02201

Dear Mr. Coyle:

As a member of the Emerald Necklace Advisory Board, I write to inform you of recent activity in the Sears development project which will return the Sears parking lot to the park, returning it to the Emerald Necklace park system. In addition, it is my hope that the Emerald Necklace Advisory Board will play an important role in determining the long term goals for this site as well as, short term, a design for the renewed park.

In the next few months the Boston Redevelopment Authority's designated developer for the site will convey the parking lot site to this department. The site will be operated as a parking lot for two years, and the profit from this operation will go into a fund for the reconstruction of the site. In the meantime, the developer has committed funds for the park's design.

Public review of the project has called for an advisory committee to guide the design process. I propose that a subcommittee be formed from the Emerald Necklace Advisory Board. A number of interested community residents will be asked to join this subcommittee.

It is incumbent upon us to act quickly at this point in the development process so that we can ensure a quality vision and rebuilding of this park. We will be polling the committee shortly to seek your approval of this plan and ask for your ideas. If you agree, the subcommittee will be formed in the coming weeks and begin the design review process.

Boston

Raymond L. Flynn, Mayor

October 24, 1989

Mr. Stephen Coyle, Director
c/o Shirley Muirhead
Boston Redevelopment Authority
Boston City Hall, Room 913
Boston, MA. 02201

Dear Mr. Coyle:

As a member of the Emerald Necklace Advisory Board, I write to inform you of recent activity in the Sears development project which will return the Sears parking lot to the Parks Department reuniting it to the Emerald Necklace park system. In addition, it is my hope that the Emerald Necklace Advisory Board will play an important role in determining the long term goals for this site as well as, short term, a design for the renewed park.

In the next few months the Boston Redevelopment Authority's designated developer for the site will convey the parking lot site to this department. The site will be operated as a parking lot for two years, and the profit from this operation will go into a fund for the reconstruction of the site. In the meantime, the developer has committed funds for the park's design.

Public review of the project has called for an advisory committee to guide the design process. I propose that a subcommittee be formed from the Emerald Necklace Advisory Board. A number of interested community residents will be asked to join this subcommittee.

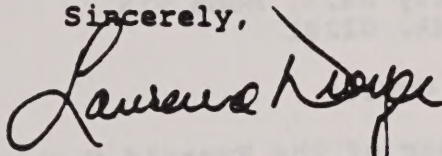
It is incumbent upon us to act quickly at this point in the development process so that we can ensure a quality vision and rebuilding of this park. We will be polling the committee shortly to seek your approval of this plan and ask for your ideas. If you agree, the subcommittee will be formed in the coming weeks and begin the design review process.

Lawrence A. Dwyer/Commissioner/Parks and Recreation Department/1010 Mass. Ave./Boston, MA 02118



Thank you for your past help. As we move from the master planning process to implementation I anticipate a number of exciting challenges such as this to emerge. Our timely action will safeguard the vision of the master plan as it accommodates the realities and common sense of city building and neighborhood initiatives.

Sincerely,



Lawrence A. Dwyer
Commissioner

LAD/cc

cc: Stephen Coyle
Jim Keefe
Mark Primack
Justine Liff

Boston Parks and Recreation

No reply necessary.

Commonwealth of Massachusetts
Office of Environmental Affairs
Department of Environmental Management

RECEIVED

NOV 14 1988

NEPA

U.S. Forest Service
Boston
Massachusetts 02108
617-727-3160
FAX 617-2550

November 12, 1988

Mr. Thomas Gatzert
NEPA
Executive Office of
Environmental Affairs
100 Cambridge Street
Boston, MA 02202

Mr. Thomas Gatzert: WCL/ATL

Division of
Planning &
Development

Dear Mr. Gatzert:

The Department of Environmental Management's United States
Landmarks Preservation Program respectfully submits the following
comments in regard to the NEPA/State for United States:

Architectural Impact

The development team should be encouraged for their interest in
the public comment over the originally proposed height of the
Park Drive Building and Franklin Avenue Building. The devel-
oped height for the Park Drive Building has the full support
of the United Program, as it stands no higher than the
existing existing line of the Park Building. However, the
United Program is still hesitant to its support of the newly
developed Franklin Avenue Building, as it stands no higher, it
will not increase the visual skyline of the Park Building
when viewed from the street. If the development team can show
that the Franklin Avenue Building is sufficiently set back so
as to be below the Park Building's skyline line with respect
from the street side of the Park Drive, the United Program will
gladly lend its support to the entire architectural program
for United States.

Traffic Impact

The development team should again be encouraged for their
willingness to expand their originally proposed traffic study
area in response to public concerns over potential traffic impacts
associated with the development program.

The United Program agrees with the report's assessment of the
low alternative traffic flow approach, and recommends that
mitigation of traffic impacts be initiated in conjunction with
the development schedule proposed by the development team,
and that no major highway alterations or the existing
infrastructure be implemented.



Commonwealth of Massachusetts
Executive Office of Environmental Affairs
Department of Environmental Management

RECEIVED

NOV 14 1989

MEPA

225 Friend Street
Boston
Massachusetts 02114
617-727-3160
FAX 727-2630

November 13, 1989

Ms. Connie Getek
MEPA
Executive Office of
Environmental Affairs
100 Cambridge Street
Boston, MA 02202

RE: Olmsted Plaza DPIR/DEIR

Division of
Planning &
Development

Dear Ms. Getek:

The Department of Environmental Management's Olmsted Historic Landscape Preservation Program respectfully submits the following comments in regard to the DPIR/DEIR for Olmsted Plaza:

Architectural Issues:

The development team should be commended for their response to the public concern over the originally proposed heights of the Park Drive Building and Brookline Avenue Building. The down-scaled height for the Park Drive Building has the full support of the Olmsted Program, as it ascends no higher than the existing cornice line of the Sears Building. However, the Olmsted Program is still hesitant in its support of the newly down-scaled Brookline Avenue Building. At thirteen stories, it still may intrude on the visual airspace of the Sears Building when viewed from the front. If the development team can show that the Brookline Avenue Building is sufficiently set back as to drop it below the Sears Building cornice line when viewed from the far side of the Park Site, the Olmsted Program will gladly lend its support to the entire architectural program for Olmsted Plaza. (1)

Traffic Issues:

The development team should again be credited for their willingness to expand their originally proposed traffic study area in response to public concern over potential traffic impacts connected with the redevelopment proposal.

The Olmsted Program agrees with the report's assessment of the four alternative traffic flow scenarios, and recommends that mitigation of traffic impacts be initiated in conjunction with the redevelopment schedule proposed by the development team, and that no major roadway alterations to the existing configuration be implemented. (2)

Traffic Issues: cont.

The Olmsted Program is concerned that the proposed intersection improvement shown on page 3-70, in Figure 3.7-1 may have a negative impact on the historic Longwood Bridge that spans the Muddy River. Careful study of this proposal from an engineering standpoint should be conducted. (1)

Landscape Issues:

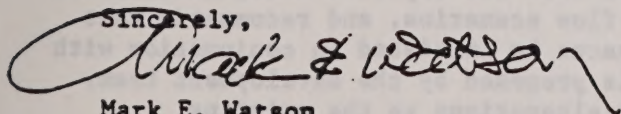
As stated in the Olmsted Program's letter of 7/20/89 to BRA Project Administrator, Don Klabin, "the Olmsted Program feels that no expensive, or irreversible construction be performed at the (Park) site until all options for procuring sufficient funds for an accurate restoration of the site have been exhausted." We understand the many uncertainties surrounding the logistics and costs associated with the eventual restoration of the open-watercourse scheme proposed for the "missing link" by the Emerald Necklace Master Plan. The Program, therefore, looks forward to working with the newly proposed Design Review Committee to generate an appropriate, low-cost, interim park design that will respect Olmsted's design intent for the Emerald Necklace park system. (2)

In addition, the Olmsted Program would again suggest that the proposed use of the development team's funds dedicated to the park restoration be changed to the following:

- * A portion of the \$100,000. that Olmsted Plaza Associates has committed for Planning and Engineering be targeted toward a study that generates a scope of work and estimated costs for restoring the open watercourse to the park site, and the connection of the Muddy River and Fens as a continuous watercourse.
- * That Olmsted Plaza Associates commit the \$400,000. that they have shown as "capital contribution to park restoration" and "25 year maintenance commitment" to create a City of Boston administered Trust Fund for restoration improvements to the Emerald Necklace, including the park site. Such a fund created up-front would begin generating additional funds for the park system, and if stipulated that the fund could only be accessed as matching funds, could act as a catalyst for many of the restoration projects recommended by the Emerald Necklace Master Plan.
- * Olmsted Plaza Associates should consider earmarking a percentage of their parking garage fees to the Emerald Necklace Trust Fund, suggested above, for restoration and maintenance of the Park Site.

Thank you for the opportunity to submit these comments. We look forward to participating further in your review process as the project moves forward.

Sincerely,



Mark E. Watson
Project Manager
Olmsted Historic Landscape
Preservation Program

DEM 1

The proposed 13-story Brookline Avenue building will not be visible above the main parapet of the Sears Building when viewed from the far side of the Olmsted Park. The sight line is shown on the accompanying diagram.

DEM 2

Refinements to the earlier traffic studies are included as Section 3.4 of the report. A Transportation Access Plan Agreement is included as Appendix VI. As suggested by DEM, the circulation system recommended is an improved version of the existing street system rather than a significantly modified circulation system.

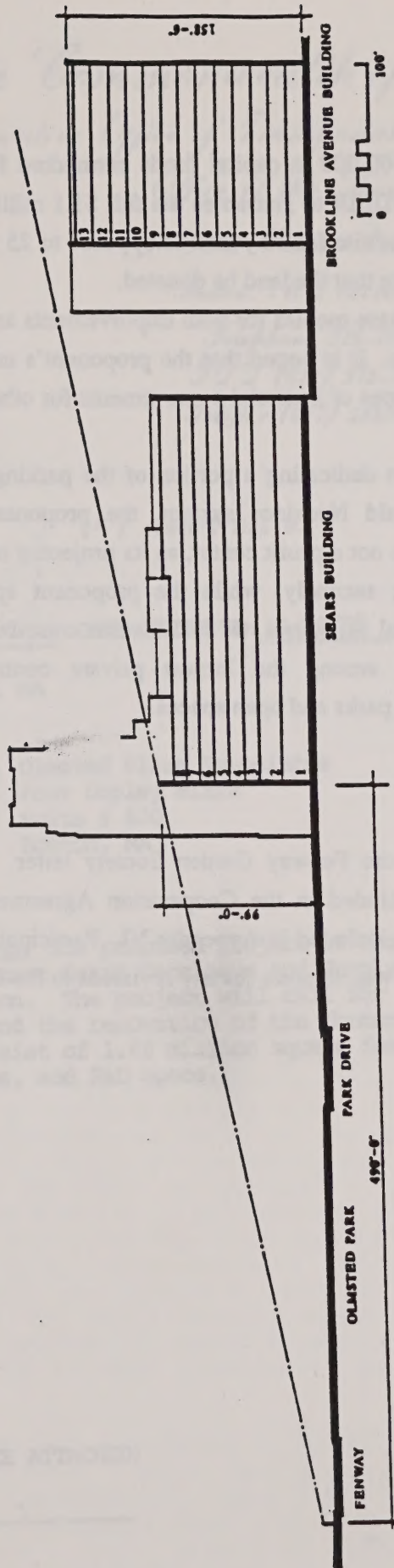
DEM 3

The proposed triangular crosswalk and signal timing has reduced the vehicle delay at the Longwood Avenue-Riverway intersection. This allows for better flow of vehicles over the Longwood Bridge and decreases the vehicle queue from 30 to 18 vehicles. Therefore, the intersection improvement plan will enhance the quality of flow over the bridge by improving intersection operations. No roadway/curbline shifts are required, therefore, no physical impacts to the bridge will result. A hardwire interconnect conduit from the Riverway signal to the Chapel Street signal is proposed.

DEM 4

We believe that the interim park scheme should not preclude a long-term vision of the site, shared by DEM and other interested parties. The design review committee, which we helped create, has the dual mission of designing a park to reflect today's economic constraints as well as laying the important groundwork to restore Olmsted's original plan. We welcome DEM's involvement in this process.

With respect to allocating a portion of the \$100,000 to study watercourse issues, we view this as being an issue to be decided by the Design Committee. The Committee should determine the priorities of how the money should be spent, and we will support its decisions.



With respect to the \$400,000 in capital funds earmarked for the site, the proponent has agreed since filing the DPIR/DEIR to guarantee the full \$1.1 million in capital and design costs and has agreed to maintain the site for 50 years, as opposed to 25 years as originally committed. This is in addition to arranging that the land be donated.

To be sure, however, these monies for both improvements and maintenance will be limited to just the "missing link" site. It is hoped that the proponent's unique financial support of this site will encourage similar types of financial commitments for other parcels of the Olmsted Park system.

Finally, with respect to dedicating a portion of the parking lot receipts to support other improvements to the Emerald Necklace system, the proponent makes the following two comments: first, the garage is not a profit center, as its projected revenues will never result in an acceptable economic return; secondly, while the proponent appreciates DEM's interest in advocating additional financial assistance, we feel that the contribution we are making is already substantial and must rank among the largest private contributions ever made in the Commonwealth in support of parks and open spaces.

DEM 5

Please see the response to the Fenway Garden Society letter. Note that details on current funding for the park are included in the Cooperation Agreement between the City and the developer. The agreement is included in Appendix VI. Participation in the advisory committee seems to be the most rational way to press for any revisions to the funding program.



The Commonwealth of Massachusetts

Executive Office of Transportation & Construction

Office of the Secretary

10 Park Plaza, Room 3510

Boston, MA 02116-3969

Telephone 973-7000

TTY (617) 973-7306

Telefax (617) 523-6454

Michael J. Dukakis
Governor

Frederick P. Salvucci
Secretary
and

M.P.T.A. Chairman

RECEIVED

(NOV 28 1989

MEPA

DATE: 10/12/89

(X) DRAFT E.I.R.

() FINAL E.I.R. NO. 7643

DATE RECEIVED: 10/12/89 COMMENTS DUE: 11/13/89

TOWN/CITY: Boston, MA

PROJECT PROPONENT: Olmsted Plaza Associates
Four Copley Plaza
Suite # 600
Boston, MA

PROJECT DESCRIPTION: The proposed project is the redevelopment of the existing and presently vacant Sears Catalogue and Surplus Sales Facility in the Fenway district of Boston. The project will call for two 250,000 - 300,000 square foot buildings and the renovation of the former Sears building. The total project will consist of 1.68 million square feet of gross floor area consisting of retail, office, and R&D space.

() COMMENTS (SEE ATTACHED)

DATE: 11-20-89

() NO COMMENTS

FREDERICK P. SALVUCCI
SECRETARY



The Commonwealth of Massachusetts

Executive Office of Transportation & Construction

Office of the Secretary

10 Park Plaza, Room 3510

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Telephone 973-7000

TTY (617) 973-7306

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Michael S. Dukakis
Governor

Frederick P. Salvucci
Secretary

and
M.B.F.A. Chairman

EOTC DEIR Comments on Olmsted Plaza Boston, MA EOEA # 7643

The Executive Office of Transportation and Construction has reviewed the DEIR for the Olmsted Plaza development. This project consists of approximately 1.5 million square feet of mixed use space. Phase I of the project entails renovating the former Sears Building and constructing five levels of the parking garage. Phase II of the project entails constructing two additional buildings and the remaining three levels of the parking garage. The parking garage will contain a total of 1,525 spaces. Development uses include office, a conference center, research & development, retail, a day care, and a hotel. The project site is located adjacent to the MBTA Green Line at Fenway Station. Due to incomplete analysis relating to MBTA impacts, EOTC requests that a SDEIR be required.

The Olmsted Plaza project is an extremely large development project consisting of over one million square feet of development. The project is ideally located near the MBTA transportation system. Therefore, the proponent should take full advantage of encouraging the use of this station to reduce the number of trips that would otherwise be generated to the site. Accordingly, the EIR needs to discuss further three major issues: 1) The proponent should state what traffic impacts will exist at key intersections as a result of the project and state how these impacts can be mitigated to expedite public transit and ambulances, as well as general traffic, 2) The proponent should state what further improvements are required on the Green Line to support the proposed increase in ridership from building employees, visitors, and tenants and document how these improvements will be financed, and 3) The proponent should justify the need for 1,525 parking spaces, when in fact the site is conveniently served by rapid transit and bus. 1,525 parking spaces seem to be counter productive to the goals described in the DEIR.

The proponent completes a level of service analysis for the 24 intersections within the study. As a result of the Olmsted Plaza development, many of these intersections are impacted, but commitments have not been made to improve any of the intersections. The proponent states that "it does not appear that traffic impacts need to be an inhibiting factor in the development of Olmsted Plaza, provided agreements on the

financial responsibility and timing for mitigating measures can be negotiated". These agreements on financial responsibility and timing for mitigation should be made and stated prior to MEPA certification. Documentation should be made in this regard in the SDEIR.

Four recommended schemes were described in the DEIR addressing roadway and intersection improvements. These four schemes are referred to as the Pure Sears Rotary, Riverway-Park "T" intersection, U.S. Couplet, and U.K. Couplet. The Maitland Street Connector was also recommended. Some of these schemes suggest major changes to the roadways and traffic direction. If any of these schemes should go forward, the proponent must document MBTA bus routes that currently use the impacted roadways and complete a detailed analysis on bus schedule and operation impacts. (5)

Several intersections that would be operating at poor conditions at project completion was analyzed for mitigation. The individual intersection improvements appear to address traffic impacts. The proponent should discuss negative impacts that may result from these individual intersection improvements. A comprehensive look at these improvements should be completed. (6)

The Maitland Street Connector which connects Maitland Street with Fullerton Street is outlined in the DEIR. According to the DEIR, this mitigation alone does not seem to improve traffic conditions in the area. For comparison, the proponent should complete a level of service analysis with the proposed intersection improvements without the Maitland Street Connector. (7)

The proponent completes an accident analysis in the DEIR. The analysis shows that the accident rate is high at several of the intersections analyzed within the scoping area. The proponent should discuss if the proposed mitigation improvements will assist in reducing the number of accidents outlined, and if not, what other improvements might be necessary to reduce the accident rate. (8)

The background growth rate is documented to be 0.5%/year. This number seems low. The proponent should document what projects were accounted for in this growth rate and include a map which shows the developments. All developments currently proposed should be included in the growth rate. (9, H)

1,525 parking spaces are proposed for this project. As the proponent may be aware, the parking freeze regulation for the City of Boston Air Pollution Control Commission underwent some regulatory changes over the past few years. This parking freeze subjects all development adding new "for-fee" parking spaces within the downtown Boston core area to seek approval from the Air Pollution Control Commission in an effort to reduce vehicle trips to this portion of Boston. Several residents and state officials have expressed an interest to expand the existing freeze boundaries. The Olmsted Plaza project is not subject to the current parking freeze regulations. However, the proponent should consult with the City of Boston Air Pollution Control Commission prior to the next EIR MEPA filing to insure that the current parking freeze boundary will not be expanded in the near future to include the Olmsted Plaza site. (10)

The FEIR should discuss whether there will be designated spaces for each development mix, what building clients or individuals will be charged for parking, and what the parking zoning requirements are for the site. The proponent makes reference to a proposed rate structure to discourage all day parking in the DEIR. The proponent should discuss in more detail how this proposed rate structure will discourage employees to use the garage. (11)

In regards to other issues, the proponent uses a mode split of 44% for transit and walk-ins and 56% for auto. Although it may be a desirable goal, 56% for auto seems low for this area. Further, it is unclear why a transit analysis is completed using this data, which is taken from zones in the Longwood Medical Area. Justification must be made as to why zones in the Longwood Medical Area are used as opposed to zones in the site vicinity or the zone that includes Kenmore Square. The proponent should use data from zones which are served by the same transportation modes as the development site or data from locations within the same zone. The proponent should also justify why an even lower auto mode split is used for "other" designations in the DEIR. (12)

The DEIR makes reference to several transportation routes that operate in the vicinity of the site. These transportation routes include the rapid transit lines, commuter lines, MBTA bus service and MASCO bus service. There are several points of clarification that should be made in the DEIR which are thoroughly outlined in the MBTA comments for the Olmsted Plaza project. A copy of the MBTA comments are attached for reference. (13A)

The proponents discussion on rapid transit and bus capacity is incomplete. First the analysis was completed in August. The transit and bus routes analyzed in the report are heavily used by students. To account for this discrepancy, this analysis should be completed at a time that takes peak ridership into account. Second, the proponent must analyze maximum load points to determine overall impacts on the transit and bus lines. A more complete analysis relating to the MBTA rapid transit and bus system must be included in the SDEIR. (1)

During Phase II construction, the proponent states that Fenway Station will be impacted. To insure safety to pedestrians using the station, the proponent states that a covered pedestrian walkway and security fencing should be built. The proponent should consult with the MBTA in this regard to determine necessary safety requirements for the Fenway Station. MBTA requirements should be outlined in the SDEIR. (1)

No mitigation commitments were outlined in the DEIR to account for potential impacts on the MBTA transportation systems. However, several recommendations were made for station and operational improvements. The proponent seems to imply that the MBTA, together with state and federal funding, may undertake the recommended improvements. The MBTA has upgraded and is continuing to upgrade many of its stations and is also improving existing operational facilities. The proponent is advised that there are no current plans for upgrading the Fenway Station at this time. (11)

In the DEIR, the proponent states that the Fenway Station is currently under-utilized. The proponent further states that this is in part due to the fact that it is dark, isolated, and relatively inaccessible particularly for the mobility impaired. The proponent should come up with a mitigation plan to upgrade the Fenway Station to a level that would attract employees and building visitors and clients. This plan should include interior and exterior station improvements, a proposed ramp or elevator with direct connections to the station for mobility impaired, and pedestrian access to the outbound track from the development site. A plan should be included which shows proposed pedestrian connections from the Fenway Station to points within and throughout the site. A schematic plan should also be included which shows a proposed access for mobility impaired. (17)

EOEA # 7643

Page 5

The proponent recommends the use of a turnback facility on MBTA and Conrail land adjacent to the site. This improvement would provide more operational flexibility for the Green Line. This improvement would also allow for additional queuing for major events at Fenway Park. A mitigation proposal should be described to account for this improvement. (18)

The proponent should outline and describe all proposed improvements that will be completed as part of the Olmsted Plaza project. Mitigation commitments and time schedules for completion should be outlined in the EIR. Such measures may better justify the projected mode split outlined in the DEIR report. (19)

Transportation Management Strategies described in the report include establishing a permanent position to coordinate public transit use for commuters, maintaining service schedules, implementing an on-site MBTA transit monthly pass program, coordinate carpool and vanpool programs by utilizing ride share information, work with other public and private agencies and citizens to expand transit service and the ride share program, work with tenants to implement staggered work hours, work with MASCO to increase its serviceability, and work with building tenants to subsidize the cost of MBTA passes, vanpools, carpools, and shuttle bus services.

To better encourage tenants to subsidize these programs, the proponent may wish to commit to assisting with potential subsidies or matching subsidies of the tenants. The proponent should elaborate on methods to encourage tenant subsidies. The proponent should also identify potential stops that may better serve building employees and clients. In regards to potential expansion of bus service with MASCO and transit, dates of when these programs will be in place should be documented in the FEIR. (20)

11/17/89. Rev

lgs

EOTC 1

The traffic mitigation designs are described in Section 3.4 of this report. See also Appendix VI.

EOTC 2

The project-related demands for public transportation services are discussed in Section 3.11.7 of the DPIR/DEIR. Means for MBTA to improve the service it provides on the Green Line are suggested on page 3-117 of the DPIR/DEIR. See the response to MBTA comments for the status of discussions regarding the developer's contribution to transit improvements. Additional specific commitments to subsidize public transportation are included in the Transportation Access Plan Agreement in Appendix VI.

It should be noted that the improvements suggested in the DPIR/DEIR are needed with or without the Olmsted Plaza project. The project provides additional revenue sources that should expedite implementation of needed remedies.

EOTC 3

The need for parking spaces is justified by the parking study included as Section 3.13 of the DPIR/DEIR. An update of that analysis is included as Section 3.7 of this FPIR/FEIR. Provision of a lesser number of parking spaces may force a greater public transit mode split, but it will do so with two significant negative side effects: a smaller parking supply would serve to increase competition for existing parking in an area in which the competition is already severe. Project neighbors have expressed concern that the project should not further aggravate the existing shortage. In addition, a significant reduction in parking supply would negatively affect the commercial marketability of the site. The proponent is not prepared to put himself at a competitive disadvantage to attract tenants and customers.

EOTC 4

Specific means for mitigating traffic impacts are described in Section 3.4 of the FPIR/FEIR. The project proponent has pledged \$500,000 toward immediate implementation of these mitigation measures as described in the Cooperation Agreement with BRA. Up to \$300,000 more in funding is available for Phase II improvements, as described in the Transportation Access Plan Agreement included as Appendix VI. The funding will be made available in a time frame that permits completion of all improvements prior to the occupancy of any Phase II building.

EOTC 5

The improvements proposed to the preferred improvement scenario (Scenario #2), do not result in any significant changes to the roadway network which would impact MBTA bus routes.

EOTC 6

The impacts that the traffic improvement plans have are analyzed in the FPIR/FEIR in Section 3. Air quality impacts, as a result of the traffic improvements, have been discussed. Pedestrian conflicts that occur have been remedied with the necessary pedestrian phases and are addressed in the report. The new parking patterns which will cause rerouting of vehicles to off-street parking has also been addressed in the FPIR/FEIR.

EOTC 7

See pages 3-37 through 3-46 of the DPIR/DEIR. A summary comparison of the two cases is presented in Tables 3.5-1 and 3.5-2.

EOTC 8

Based upon a study taken from Transportation Engineering, February 1978, the following accident reduction rates occur when specific improvements are made at intersections; shoulder widening and improvement will reduce accidents by 29% over a yearly period; installation of striping and/or delineators will reduce accidents by 13%; installation or upgrading of traffic signals will reduce accidents by 23%; signals and striping combined reduced accidents by 24%;

channelization, including left-turn bays, reduced accidents by 23%; pavement widening reduced accidents by 25%; additional lanes without new median reduced accidents by 17%; all of the intersections improved involved using one or more of these methods which indicates that the accident rates should be reduced upon completion.

EOTC 9

See pages 3-17 through 3-25 of the DPIR/DEIR for a detailed discussion of the treatment of "background" traffic. Note that approved projects' traffic was added to the background. The list suggested is included as Table 3.3-2.

EOTC 10

A discussion regarding future parking freeze boundaries with Denise Breitenheier, Air Pollution Control Commission, revealed that expansion of a parking freeze would not include the Olmsted Plaza site within the next two years.

EOTC 11

Although the Olmsted Plaza project is a mixed land use development, its parking system is treated with respect to the overall demand of the different uses. It is not necessary to specify tenant's parking demand, but it is important to specify the total long-term and short-term demand of the project, and designate adequate spaces to accommodate this demand. In compliance with the City of Boston parking freeze and to discourage tenant employee auto use, a specific fee structure for the short-term spaces within the project parking facilities has been established and discussed in the FPIR/FEIR. See Section 3.7. The short-term space fee structure is exclusively focused on discouraging long-term parking in short-term spaces.

EOTC 12

Zones in the Longwood Medical Area (LMA) were used for mode split data as it was felt that the similarity of the land uses in the LMA to those of the proposed project would more accurately represent the expected mode splits. The close proximity of the site to the Green Line and MBTA bus routes means that the site is served by essentially the same transportation modes as the LMA.

EOTC 13

The auto mode split figure used for "other" in Table 3.4-1 of the DEIR, was based upon the close proximity of the Retail and Health Club uses to the Green Line Station as well as the small size of these uses. The "other" designation refers to non-work trips. The small size of these two uses, (31,708 s.f. for the Health Club, 60,880 s.f. for Retail) means that they will attract mainly pass-by trips rather than act as primary trip attractors. As a result, few automobile uses will travel to the site.

EOTC 13A

Please see the responses to the MBTA comment letter.

EOTC 14

This comment is a reiteration of the same comment issued by MBTA. See responses to MBTA 2 and 3.

EOTC 15

The proponent has met with representatives of the MBTA to discuss many issues of concern, including pedestrian safety during the construction phase of the project. Presently, the MBTA and the developer are working on a re-design of the station, which will be built in conjunction with the construction of the Park Drive building which abuts the station. Once plans have been finalized, specific actions to be taken to protect the public during construction will be better understood.

EOTC 16

The DPIR/DEIR suggested several means for mitigating impacts to the Green Line problems without trying to designate responsible parties. The extent to which the project proponent is prepared to subsidize improvements is described in the Transportation Access Plan Agreement, which is included as Appendix VI, and in the response to MBTA comments.

EOTC 17

See Section 3.4 of this FPIR/FEIR and the response to MBTA 3.

EOTC 18

See response to MBTA comments.

EOTC 19

See response to MBTA 3.

EOTC 20

Appendix VI, the Transportation Access Plan Agreement with the City of Boston, outlines specific responsibilities the proponent will have in encouraging subsidized "T" passes, van pools, ride-sharing, etc. Also, the developers and MASCO have agreed to utilize the existing MASCO shuttle bus services as outlined in a letter agreement dated December 8, 1989 (see Appendix VI). It is expected that this service will be in place upon initial occupancy of the Sears Building, which is scheduled for January of 1992.

Dear Secretary O'Callahan:

Massachusetts Historical Commission staff has reviewed the Draft Environmental Impact Report regarding the proposed project referenced above. The project involves the redevelopment and reconstruction of the 1913 Sears, Roebuck and Company Mail Order Store, which is included in the Inventory of Historic and Architectural Assets of the Commonwealth and which appears to be eligible for listing on the State and National Registers of Historic Places. In addition, the proposed project site is adjacent to the Old South Church which is a National Historic Landmark and a National Register Historic District. After review of the DEIR, HMC staff have the following comments.

The reduction of the scope and scale of the proposed new construction at the site, and the deletion of the earlier proposed mail box addition to the Sears Building, are improvements to the project and address previous concerns of HMC staff.

However, the DEIR does not adequately document the historical and architectural significance of the property. HMC staff specifically requested the opportunity to review a draft of the National Register nomination for the Sears Building in order to fully evaluate that effort. The proposed deletions, alterations, and reconfiguration may have an significant architectural features. The HMC is still awaiting a submission of this draft document. Enclosed is a copy of a letter of August 2, 1990 outlining our concerns and comments.

The DEIR states that the rear warehouse addition proposed for demolition were constructed in stages between 1948 to 1966, suggesting that they do not contribute to the Sears Building's eligibility for listing on the National Register of Historic Places. Previous information submitted to this office

LATE COMING



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MEPA

LATE COMING

November 27, 1989

John P. DeVillars
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, MA 02202

ATTN: Connie Getek, MEPA Unit

RE: Olmsted Plaza, Boston, MA EOE No. 7643

Dear Secretary DeVillars:

Massachusetts Historical Commission staff has reviewed the Draft Environmental Impact Report regarding the proposed project referenced above. The project involves the redevelopment and rehabilitation of the 1928 Sears, Roebuck and Company Mail Order Store, which is included in the Inventory of Historic and Archaeological Assets of the Commonwealth and which appears to be eligible for listing on the State and National Registers of Historic Places. In addition, the proposed project site is adjacent to the Olmsted Park System which is a National Historic Landmark and a National Register Historic District. After review of the DEIR, MHC staff have the following comments.

The reduction of the mass and scale of the proposed new construction at the site, and the deletion of the earlier proposed roof top addition to the Sears Building, are improvements to the project and address previous concerns of MHC staff.

However, the DEIR does not adequately document the historical and architectural significance of the property. MHC staff previously requested the opportunity to review a draft of the National Register nomination for the Sears Building in order to fully evaluate what effects the proposed demolitions, alterations, and rehabilitation may have on significant architectural features. The MHC is still awaiting of submission of this draft document. Enclosed is a copy of a letter of August 8, 1989 outlining our concerns and comments.

The DEIR states that the rear warehouse additions proposed for demolition were constructed in stages between 1949 to 1966, suggesting that they do not contribute to the Sears Building's eligibility for listing on the National Register of Historic Places. Previous information submitted to this office

Massachusetts Historical Commission, Valerie A. Talmage, *Executive Director, State Historic Preservation Officer*
80 Boylston Street, Boston, Massachusetts 02116 (617) 727-8470

Office of the Secretary of State, Michael J. Connolly, *Secretary*

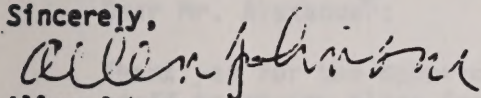
dated one of the additions to c. 1929. The DEIR also states that the groundfloor storefronts proposed for "reopening" were original to the building and were bricked up in the 1950s. This conflicts with earlier information that the storefronts were an unexecuted aspect of the original design. Again, the MHC requests a draft National Register nomination to fully evaluate these proposed changes. These discrepancies need to be clarified in the Final Environmental Impact Report.

2

These comments are offered to assist in compliance with Section 106 of the National Historic Preservation Act of 1965 (36 CFR 800) and M.G.L. Ch. 9, ss. 26-27c, as amended by Ch. 254 of the Acts of 1988 (950 CMR 71.00) and MEPA.

If you have any questions, please contact me.

Sincerely,



Allen Johnson
Preservation Planner
Massachusetts Historical Commission

AJ/lis

cc: Boston Preservation Alliance
Boston Landmarks Commission
John Zajac, DEP/DWPC
Robert Johnson, MDPW
Patrick Lee, JMB/Urban Development Company
Samuel M. Gifford, HMM Associates
Mark E. Watson, Olmsted Historic Landscape Preservation Program/DEM
Christopher Greene, Office of Cultural and Historic Landscape/DEM
Ellen Lipsey, Parks and Recreation Department, City of Boston

enclosure



August 8, 1989

Jim Alexander
Notter, Finegold, & Alexander, Inc.
77 North Washington Street
Boston, MA 02114-2193

RE: Olmsted Plaza and proposed rehabilitation of the former Sears Building,
Park Drive and Brookline Avenue, Boston, MA; EOE No. 7643.

Dear Mr. Alexander:

Thank you for the opportunity to meet with you and Jim Monteverde of your staff to review plans for the proposed rehabilitation and redevelopment of the former Sears Building and site. The property is included in the Inventory of Historical and Archaeological Assets of the Commonwealth and appears to be eligible for listing in the State and National Registers of Historic Places. In addition, the Sears Building is adjacent to the Olmsted Park System which is a National Historic Landmark and a National Register Historic District.

Massachusetts Historical Commission staff understand that the project proponent intends to apply for a tax credit for the substantial rehabilitation of the property. As we discussed in our meeting, several aspects of the proposed rehabilitation will need further clarification to determine if the work will meet the Secretary of the Interior's "Standards for Rehabilitation". I have enumerated those issues below.

MHC staff request the opportunity to review an updated site plan and drawings for the project as soon as they are available. In addition, it is of primary importance the MHC staff receive the draft National Register nomination for the property in order to fully evaluate what effects the proposed work may have on significant architectural features.

Storefronts - The proposal to create new storefronts on the Park Drive facade based on an earlier, unexecuted, design with details taken from as-built storefronts on the Brookline Street facade does not comply with the Secretary of Interior's "Standards for Rehabilitation" and should be reconsidered. The Standards discourage alterations that have no historical basis or which remove historic material, but allow for contemporary treatments which clearly read as new construction.

Windows - You indicated that reports have noted that the existing multipaned steel sash are in repairable condition and do not require wholesale replacement. Removing, rather than repairing these units would violate Standard #6 of the Secretary's Standards which encourages repair, rather than replacement, of deteriorated architectural features. The windows are an important character-defining feature of the Sears Building and MHC staff recommend the project proponent retain and repair the existing sash and investigate using interior storm windows to address energy conservation concerns.

Alterations to the rear elevation - Additional information is needed on the proposed rear stairtower and the proposed multistory projecting bays, designed to "open up" the rear elevation. Designs for this new construction should minimize the loss of historic material and be compatible with the size, scale, color, material, and character of the property.

Demolition - Additional information is needed on the rear additions and accessory structures to justify their proposed removal. The demolition may be justified if the anticipated National Register documentation clearly documents that they are less than 50 years old and are non-contributing structures.

New Construction - Preliminary architectural drawings indicate that the proposed new office, hotel, and garage structures will be compatible with the historic Sears Building in design, scale, massing, and materials. MHC staff request the opportunity to review more detailed plans, elevations, and renderings for the new construction as they are available.

Interior - Additional information is needed on what interior features and spaces are significant in order to evaluate the proposal to create additional square footage by filling in floors between the ground floor and the mezzanine. Significant features should be documented in the National Register nomination.

Landscaping - Remnants of the property's original landscaping plan, which was intended to complement and extend the adjacent Olmstead-designed Muddy River Parkland, survive at the front, corner, and side of the Sears Building. The project proponent is urged to reconstruct this historic landscape as much as possible as part of the site plan. In addition, the project proponent is strongly urged to coordinate the disposition and restoration of the "missing link" Emerald Necklace Park parcel in front of the property with the Department of Environmental Management in accordance with the Emerald Necklace Parks Master Plan, and with the Massachusetts Historical Commission.

These comments are offered to assist in compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (36CFR 800) and M.G.L. Ch. 9, ss. 26-27c, as amended by Ch. 254 of the Acts of 1988 (950 CMR 71.00) and MEPA.

2. **QUESTIONS (DEM)**

on Program/DEM
andscape/DEM
5. Boston

- at Boston

MHC 1 & 2

Leslie Larson, team consultant preparing the National Register nomination, delivered copies of Parts I and II to the Massachusetts Historical Commission on 11/26/89. These documents address the commission's concern about adequate documentation of the architectural significance of the property and clarify references to the grade level storefronts. Additionally, we believe the previous reference to a 1929 addition was a typographical error. The first addition after the phased completion of the main building was in 1949.

Dear Secretary:

The City of Boston Department of Public Works has prepared the Environmental Impact Report for the Central Plaza Project and would like to submit our comments.

1. In our previous comments on the EIR, the Department requested that restoration of the "existing line" storefronts be done by December 1991, including the area of the main building. This restoration was to be done using original photographs. It was not apparent that the Department was aware of this restoration and that the EIR. We would like to see a thorough analysis of this in the final EIR.

2. Since the EIR was filed, the Boston Landmarks Commission has accepted the main building as a landmark and the auxiliary structure as a preservation area. As a result, the Department is required to prepare a preservation plan for the main building. The Department has been given 90 days to prepare this plan. It will then be sent to the Landmarks Commission for final approval.

3. Although the Department has stated that the existing parking lot is under a 10 year lease, the project plan is to demolish the lot and build a new parking lot. We feel an examination of these plans is warranted. They may not have been maintained properly and may not be suitable to handle the 10 year lease plan.

4. A study conducted by the consulting firm of Develoff and City under the auspices of the Massachusetts Executive Office of Environmental Affairs examined ways to improve the water quality in the Muddy River. One recommendation dealt with the project. The study should be reviewed and incorporated into the project. This study should be reviewed by the project proponent to see if the recommendations can be incorporated into the project.



**City of Boston
The Environment
Department**

Boston City Hall/Room 805
Boston, Massachusetts 02201
617/725-4416 or 725-3850

November 15, 1989

Mr. Jonn DeVillars, Secretary
Executive Office of Environmental Affairs
100 Cambridge Street, 20th Fl.
Boston, MA. 02202

ATTN: MEPA Unit, Connie Getek, EOE #7643, Environmental Impact
Report for the Olmstead Plaza.

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NOV 17 1989

MEPA

LATE COMMENT

Dear Secretary DeVillars:

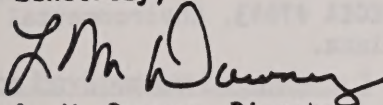
The City of Boston Environment Department has reviewed the
Environmental Impact Report for the Olmstead Plaza Project and would
like to submit our comments:

1. In our previous comments on the ENF, the Department requested that restoration of the "missing link" Olmstead Park site be discussed fully, including funding. It was our understanding that this restoration was to be done using private sector dollars. It does not appear that any serious evaluation of this restoration was done for the EIR. We would like to see a thorough analysis of this in the Final EIR. ①
2. Since the ENF was filed, the Boston Landmarks Commission has accepted the Sears Building as a Landmark and its ancillary property as a protection area, at a public hearing on October 14, 1989. The nomination has been sent to Mayor Flynn for his action, it will then be sent to the City Council for final approval.
3. Although the proponent has stated that the culverts running from the Muddy River under the project site are adequate to handle the 100 year storm flow, we feel an examination of these pipes is warranted. They may not have been maintained properly and may not be suitable to handle the 100 year storm flow. ②
4. A study conducted by the consulting firm of Metcalf and Eddy under the auspices of the Massachusetts Executive Office of Environmental Affairs examined ways to improve the water quality in the Muddy River. One recommendation dealt with whether or not the flow should be increased and diverted in the vicinity of the Project. This study should be reviewed by the project proponent to see if the recommendations can be incorporated into the project. ③

Olmstead Plaza letter
November 17, 1989
page 2.

I look forward to reviewing the Final Environmental Impact Report
and I appreciate the opportunity to comment.

Sincerely,


L. M. Downey, Director

LMD/DKB

Boston Environment Department 1

Please see pages 6-21 through 6-27 of the DPIR/DEIR. Also see pages 10-6 through 10-9 of the DPIR/DEIR. Also see pages 2-6 and 2-8 of this FPIR/FEIR. Also see the response to the Fenway Garden Club comment letter.

Olmsted Plaza Associates have clearly spent a considerable amount of time studying issues associated with the restoration of the "missing link". Likewise they have provided a significant level of private funding to ensure that the valuable resource will be returned to park status.

Boston Environment Department 2

Despite the fact that the FEMA FIRM Flood Profile Maps for the Muddy River show that the culvert can accommodate the 100-year storm event, this was not assumed to be the case. The 100-year flood level was established at 10.5' NGVD by FEMA and the Boston Conservation Commission. The developed parcel will increase the amount of flood storage on the site regardless of the state of the Muddy River conduit. Several studies of the culverts have been performed in the past several years that indicate that the culverts are indeed partially blocked by sediment build-up. This is an area that may require further study when final plans for the missing link park parcel are completed.

Boston Environment Department 3

See the response to comment 1, above. Also, planning for the park is now a function of the Advisory Committee.

S. Kaiser 1

V/C ratios, queue lengths, levels of service and vehicle delay all represent criteria used for evaluating intersection congestion. Levels of service and vehicle delays are included in the main body of the report. The V/C ratios and queue length data are placed in the Appendix for the few technical readers interested in reviewing them. This was done both to reduce the bulk of Volume 1 (as suggested by the comment letter) and to reduce printing costs.

S. Kaiser 2

The proposed traffic improvements are presented in Section 3.4. Under this preferred scenario (Scenario #2), the impact of the proposed improvements on the environment are much less than those proposed in the other scenarios. At the intersection of the Riverway and Brookline Avenue (Location 12) all improvements can be made entirely within the existing curblines.

S. Kaiser 3

All technical comments regarding intersection operations were taken into account when we conducted the analysis. Some intersections were reanalyzed and are consistent with needs of the future. Intersections in question have been addressed below with the appropriate changes or explanations. The FPIR/FEIR has intersection concept plans which show the geometric improvements suggested.

S. Kaiser 4

The availability of left turn bay storage is being taken into account at all locations that require mitigation. We have computed the storage length for left turning vehicles based upon a 95% probability of random arrivals (Poisson Distribution). Several locations, rotary intersections and Longwood Avenue at Chapel Street, experience queue backups through adjacent intersections. The required CINCH software is not capable of modeling such events. However, we have rerun all rotary, and Longwood Avenue CINCH runs so that these adjacent intersections operate on a common signal cycle. We have completed PASSER 2 runs which analyze the time-space diagrams for the rotary, and Brookline Avenue intersections. This work was submitted to the BRA and BTD for their reviews and comment on December 1st, 1989. The

FPIR notes two (2) options for Park at Beacon. The first option is a peak hour restriction for eight spaces on northbound Park and three spaces on westbound Beacon, and the second option calls for shifting the residential parking. Option 2 will not remove/reduce the on-street supply at this intersection.

S. Kaiser 5

The 75% plans for this intersection have been prepared by Vanasse Hangen Brustin, Inc. under contract with Boston University. Improvements at this intersection include signal retiming, new phasing, a pedestrian phase and a coordinated signal with the University Road at Commonwealth Avenue. These improvements will increase capacity while allowing time for pedestrians to cross safely.

S. Kaiser 6

University Road at Commonwealth Avenue is stop sign controlled, while the other three approaches are signal controlled. We analyzed the right turns as having only 57 seconds of stream time out of a 109 second cycle. We agree that these right turning vehicles will stop due to pedestrians in the crosswalk, or thru traffic on Commonwealth Avenue. The 1995 Build LOS is F/D after signal improvements.

S. Kaiser 7

See response to EOTC comment 3.

S. Kaiser 8

The transit level of service criteria, in Table 3.11-3 of the DPIR/DEIR were directly excerpted from the 1985 Highway Capacity Manual. In addition to the table, the maximum passenger volumes were also calculated based on the load factor, and can be found in Appendix II. According to the volumes in the table, it is clear that the level of service criteria and corresponding load factors are appropriate to the analysis procedures.

S. Kaiser 9

The transportation consultants for Olmsted Plaza measured the headways at Fenway Station. Measurement of headways at several other locations was well outside the scope of studies for this project. The consultants agree that it would be valuable to have a more extensive data base to use in assessing conditions on the Green Line.

S. Kaiser 10

The proponent would much prefer to support the ongoing efforts by MBTA management to improve the service it currently provides.

Audubon Circle 1

The Audubon Circle Neighborhood Association is one of the groups ostensibly represented by KAFNI. Most of the comments offered here are, therefore, handled in response to similar comments by KAFNI.

Audubon Circle 2

Please see KAFNI 7.

Audubon Circle 3

None of the proponent's current mitigation proposals rely upon the "Maitland Street Connector". This is clearly explained in Section 3.4.3 of this FPIR/FEIR. Current thinking on mitigation designs is outlined in Section 3.4. Commitments to mitigation are included in Appendix VI.

Audubon Circle 4

- A. The Maitland Street Connector has been eliminated because its overall impact to reducing traffic impacts did not justify its cost. These monies can be more efficiently allocated to improving the LOS at other locations that sorely need mitigation.
- B. The gate to the Harvard Community Health Plan from Fullerton Street will be closed (chained). The Olmsted site trips will not be permitted to use the Miner Street bridge which is currently a private way.

Audubon Circle 5

Please see KAFNI 7. Also note that separate traffic counts were taken for Red Sox events. This is explained in Section 3.2.4. The skepticism of the commentor notwithstanding, the facts presented in this section, and in Figure 3-4, show the effects of Red Sox events. Additional data will not change the information presented.

Audubon Circle 6

The projected MBTA Red Line Alewife-Ashmont/Braintree capacity will be 19,440 as indicated in Table 3.11-11. Table 3.11-16 of the DPIR/DEIR incorrectly identified Red Line capacity. The Red-Line capacity should be 19,440 instead of 14,440.

Audubon Circle 7

Public transit scheduling strongly influences the critical link demand. The overall objective is to minimize delays within the entire Green Line system. In this case, the Arlington-Copley segment has the scheduling priority due to its demand. Therefore, the turn-around facility should be placed as close to the critical segment as possible.

Audubon Circle 8

The specific commitments of the developer to traffic mitigation are included in the Cooperation Agreement with the BRA and in the Transportation Access Plan Agreement (Appendix VI). These agreements include several specific commitments suggested by representatives of the Audubon Circle Neighborhood Association and KAFNI. Based upon the support of the project offered by the author of the comment at the PDA hearings the project proponent assumes that the concern has been adequately addressed.

The two agencies needed to implement the needed traffic mitigation measures are the Boston Transportation Department (BTD) and MDC. Execution of the agreement by BTD constitutes its commitment; a letter from MDC is included at the rear of Appendix VI.

Audubon Circle 9

An updated version of the pedestrian studies is included as Section 3.6 of the FPIR/FEIR. The proponent believes that the count data reflected in that section are reasonable for their intended purposes. While student populations may increase traffic in the non-summer months, the good weather in the summer months probably increases pedestrian traffic from other sources. Accordingly summer counts may not be the annual maximum counts, but they are probably reasonably good representative counts. It should also be noted that pedestrian capacities were great enough that some seasonal variation in traffic should not affect carrying capacities of the walkways.

Please note Section 3.6.2, which describes pedestrian mitigation measures.

Audubon Circle 10

Detailed analysis of pedestrian walkways and improvement plans for them have been included in Section 3.6.

Audubon Circle 11

In its scoping decision of May 3, 1989 the Secretary directed the proponent to seek DEQE guidance on the technique and assumptions to be followed in the air quality analysis. This directive was followed.

Also please see KAFNI 7.

Audubon Circle 12

The water and sewer calculations are made based upon the square footage of each particular use, not the number of employees. These calculations are acceptable to the MWRA and BWSC.

Audubon Circle 13

Section 2.2 of this report addresses this issue.

Audubon Circle 14

The MWRA prohibits roof run-off from entering the sewer system because it does not want to tax the system's capacity. The sewer system is designed to accommodate sewage. The road and roof run-off will be diverted into the storm drain system underneath Brookline Avenue, not the Muddy River. The storm drainage system is designed to accommodate such flows. This design is consistent with efforts to separate sanitary waste from less noxious run-off citywide.

Audubon Circle 15

The construction demolition described by the proponent is in no way unusual. It is a fairly standard part of any urban renewal or renovation project. It is normal, and in good judgment to leave the demolition disposal in the hands of contractors who do such things for a living. Demolition contractors realize which elements of the building have salvage value and which do

not. They have access to the markets for construction salvage. These contractors account for the salvage value of the building materials in preparing and submitting their bids. Likewise, it is their business to stay informed of the locations where non-usable building materials can be deposited most appropriately. The proponent sees no benefit to competing with these licensed contractors in an area where it does not have the experience or wherewithal to do so.

Audubon Circle 16

Please see KAFNI 7. Also note that noise generation is a function of vehicle speeds as well as volumes. As vehicle speeds decrease noise generation decreases. Noise levels do not peak with highly congested conditions. Therefore the premise of the comment is incorrect. MASCO is in the process of upgrading their shuttle service to modernize the bus fleet. Any increases in the volume of buses would be insignificant given the mitigation measures that the developers have committed to.

Audubon Circle 17

It is within the purview of both MEPA and BRA to require that wind studies be done. The absence of a requirement by either body to require wind tunnel tests implies that they have been persuaded by the arguments of proponent's consultants, as spelled out in the PNF, in the scoping process, and in Section 4.1 of the DPIR/DEIR, that no wind tunnel tests are warranted for this project. The size and location of the project preclude the type of significant impacts associated with taller structures in downtown areas. The monies that would be needed to undertake such an effort are much better devoted to mitigation of more significant impacts.

Audubon Circle 18

In response to the repeated citation of concerns by the Audubon Circle Neighborhood Association, the Park Drive Building has been repeatedly scaled down over several months. The most recent deductions in building size are described in Section 2.1. These reductions were first presented to the public at the BRA Board hearing of November 30, 1989. It is the understanding of the proponent, based upon testimony of the author of this comment at that hearing, that the most recent modifications are a satisfactory response to this concern.

MBTA 1

The public bus routes study was focused on determining the quality of service provided by the bus lines, including the service frequency and the demand, at the project site. Technically, the transit capacity study should be performed at the bottleneck segment of its route (the highest demand station); however, bus line capacity analysis was not suggested in either the MEPA or BRA scoping. Accordingly, it was not in the study objective.

MBTA 2

In response to this letter the project proponent met with Mr. Kidston and several members of the MBTA staff. Means for addressing the concerns expressed in the letter were discussed in some detail. It was concluded that the major concerns fall into two distinct categories: the need to improve carrying capacity on the Green Line, and the need to undertake improvements to the Fenway Park Station. The MBTA staff indicated that it felt the efforts of Olmsted Plaza to mitigate demands on MBTA should focus upon the latter category since MBTA is already working toward the broader improvements needed to increase the carrying capacity of the Green Line.

The MBTA programs to increase capacity are two-fold. First, efforts are underway to increase operating efficiency. These efforts include an automatic vehicle identification system for the Green Line. Descriptions of this new system are included in Appendix II. Second, MBTA has acknowledged the need to add rolling stock to the Green Line. They agree that increasing the average train length will provide substantial improvements in carrying capacity. The needs for new equipment have been identified, and efforts to establish funding for the required purchases are underway. Given the general lack of State funds, however, MBTA feels that no firm timetable for placing new stock into service is realistically possible at this time.

MBTA 3

In the meetings, the MBTA reiterated its request that Olmsted Plaza "adopt Fenway Station". The developer has agreed, in principle, to do this. The staff of MBTA has provided the developer with a conceptual design of a system of improvements it would like to have sponsored by the proponent. Jointly the proponent and MBTA will review the conceptual design, and amend it to meet the needs of both parties. Upon revising the design to meet both technical needs and budget limitations, it will be implemented. The developer has specifically

acknowledged that it will underwrite up to \$250,000 in station improvement costs. Olmsted Plaza Associates has also agreed to maintain the adopted station for 50 years. Both parties agree that mutually acceptable station improvements will be completed prior to the opening of either of the phase two buildings.

As a point of clarification it should be noted that the recommendation to increase average train length is not solely a function of demands generated by Olmsted Plaza. Several new projects are coming on line and each contributes to demands on the Green Line. There will be a service capacity deficiency on the line with or without Olmsted Plaza.

A letter from MBTA confirming the ongoing dialogue, and the commitment to move forward with mutually acceptable improvements is included in Appendix VI.

MBTA 4

It should be noted that the recommended increase in the average number of cars per train during the peak hour is in response to the projected demand at the Green Line bottleneck between Copley and Arlington Station, not just the Riverside Line. The projected demand is a result of eighteen proposed developments in the area, besides Olmsted Plaza. The emphasis on the capital cost required for additional equipment should take this into account. Also, the additional service will generate added revenues that can be earmarked to recover the cost of additional equipment. The proposed automatic vehicle identification system for the Green Line is included in Appendix II..

MBTA 5

The transit study focuses on the last mode of transit used to reach the site. The Green Line and buses are the primary sources of mass transit to the site.

MBTA 6

Per conversations with the Commuter Rail staff, Yawkey Station is not feasible for regularly scheduled services, especially during peak hours. This is mainly due to the minimum headway requirements in the service schedule. It is our understanding that regular stops at this station would create headway disruptions for this line and potential safety hazards. Also see responses to comments 5 and 9.

MBTA 7

While Bus Route 47 was surveyed at the stops in front of the site, the service frequency observations included both Route 47 and Route 47A. No distinction was made. The authors acknowledge that both Dudley and Ruggles are major transfer points.

MBTA 8

This clarification of headway definition is noted. Likewise the clarification of E Line Service is acknowledged.

MBTA 9

Olmsted Plaza Associates has committed to coordinate with MASCO to expand MASCO bus service to Ruggles Station and Harvard Square, which should reduce the site demand to the nearby Green Line transit system.

MBTA 10

The mode split assumptions were those provided by the Boston Transportation Department. Note that the agreement in Appendix VI requires the developer to work aggressively toward meeting these mode splits.

MBTA 11

The mitigation strategy recommended in the DPIR/DEIR, designed to pursue a 10 percent reduction in auto use, was based on the nationwide transportation mitigation experiences documented by the U.S. Department of Transportation, "Traffic Mitigation Reference Guide", published in December, 1984. The authors agree that it is a very aggressive goal.

MBTA 12

As outlined in the DPIR/DEIR, the public transit studies at the project site were performed to determine the quality of service provided by the Green Line and the adjacent bus routes. This information is provided to concerned agencies to evaluate appropriate mitigation strategies in

improving transit service surrounding the project site. The transit analysis is quite explicit in noting that the bottleneck section is further east, but the authors agree that the bus analysis could be misleading.

MBTA 13

Again, the Green Line study at Fenway Park Station was undertaken in an effort to determine the quality of service at the project site. Many studies at the Green Line bottleneck segment between Copley and Arlington Station have been conducted by other consultants in the past few years. These study results have provided adequate information on Green Line performance. Therefore, it was not necessary to repeat the same study to pursue the same results. The emphasis should be on the mitigation strategies to improve capacity. This was documented in the DPIR/DEIR, and supplemental information can be found in Section 3.5 and Appendix II of this report.

MBTA 14

The concerns in this comment were also raised by other commenters. Olmsted Plaza Associates has committed to coordinate with MASCo to expand the shuttle bus service in the area, which will relieve the site demand to the public bus routes. Please see correspondence in Appendix VI.

MBTA 15

Each of these observations on Green Line operation are acknowledged. The project sponsors and their consultants fully agree that significantly improving service on the Green Line is an extremely challenging task given its operating characteristics.

MBTA 16

The authors agree with this comment.

BWSC 1

Figure 7.2-1 has been revised as indicated and is attached.

BWSC 2

A new fire flow test, if necessary, will be coordinated with the BWSC for the Brookline Avenue SLS water main near Park Drive.

BWSC 3

A Utility Plan for the site is included in the map pocket at the end of this report.

BWSC 4

Water usage for landscaping purposes is uncertain at this time. However, xeroscaping will be utilized to the extent that drought resistant plantings, alternative ground covers will be considered.

BWSC 5

Water conservation measures to be utilized include low flow toilets and automatic shut off faucets. In addition, drought resistant plantings, irrigation controls, and water absorbing polymer soil additives will be considered.

BWSC 6

As plans for the Emerald Necklace Park are developed, utility owners will be given the opportunity of review and comment prior to construction.

BWSC 7

Where necessary to satisfy BWSC, gas/oil separators will be provided.

BWSC 8

The project MEP Engineer has indicated that steam condensate will be recirculated to the boilers.

BWSC 9

This information is appreciated and taken under advisement.

MWRA 1

The project MEP has indicated that Olmsted Plaza HVAC systems will be called through a closed loop water system.

MWRA 2

The landscape architect is aware of the importance of water conservation and will be specifying efficient plantings as well as limiting turf areas. A water efficient irrigation system will be researched.

MWRA 3

No central laundry facility is currently programmed. Tenants will be encouraged to use water efficient equipment should localized facilities be installed.

MWRA 4

Where necessary MWRA approved gas/oil separators will be specified. It is uncertain at this time whether intended future uses would be regulated as "industrial process wastewaters," as such, the need for a Sewer Use Discharge permit will be evaluated on a case-by-case basis.



MASSACHUSETTS WATER RESOURCES AUTHORITY

Charlestown Navy Yard
100 First Avenue
Boston, Massachusetts 02129

Telephone:
(617) 242-6000

Board of Directors

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NOV 14 1989

MEPA

John P. DeVillars, Secretary
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, MA 02202

Attn: MEPA Unit

Executive Director

Paul F. Levy

Re: EOEA No. 7643 - Olmsted Plaza DEIR, Boston

Dear Secretary DeVillars:

Concerning the above-referenced Draft Environmental Impact Report (DEIR), we submit the following comments:

The proposed project will significantly increase wastewater flows to the Boston and MWRA Sewer Systems, and the Deer Island Wastewater Treatment Facility, which currently lack sufficient capacity to convey and treat wastewater flows without chronic surcharging and over flowing, especially during wet weather. While the increase in wastewater flow of approximately 93,680 gpd does not seem significant compared with the total flow to Deer Island, the cumulative flow from several new projects being constructed simultaneously is significant. All proponents of new projects are encouraged to minimize the flows from their projects.

The proponent has proposed certain water conservation measures to be implemented in the new facilities. In addition, the following should be included:

- o Heating and Cooling
The building heating and air conditioning should be air cooled rather than water cooled. Where water cooling is necessary the system should be closed loop.

①



Page Two

EOEA No. 7643

- o Landscaping ②
Landscaping should emphasize the use of water efficient plantings, and minimize turf areas.
- o Laundry ③
Water efficient equipment should be used.

The proposed project will require MWRA-approved gas/oil separators for the garage structure. The future tenants of the site may need to secure Sewer Use Discharge Permits if they intend to discharge any industrial process wastewaters. In addition, industrial processes should use water saving techniques. ④

We appreciate the opportunity to comment. Should you have any questions, please do not hesitate to call me at 242-0230, ext. 4804.

Very truly yours,

Katina N. Belezos,
Project Engineer
Planning Program
Wastewater Engineering

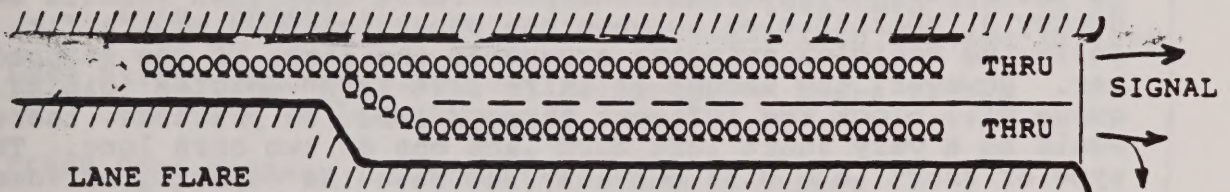
KNB/gmc:450

S. Kaiser
191 Hamilton Street
Cambridge, Mass.
November 1, 1989

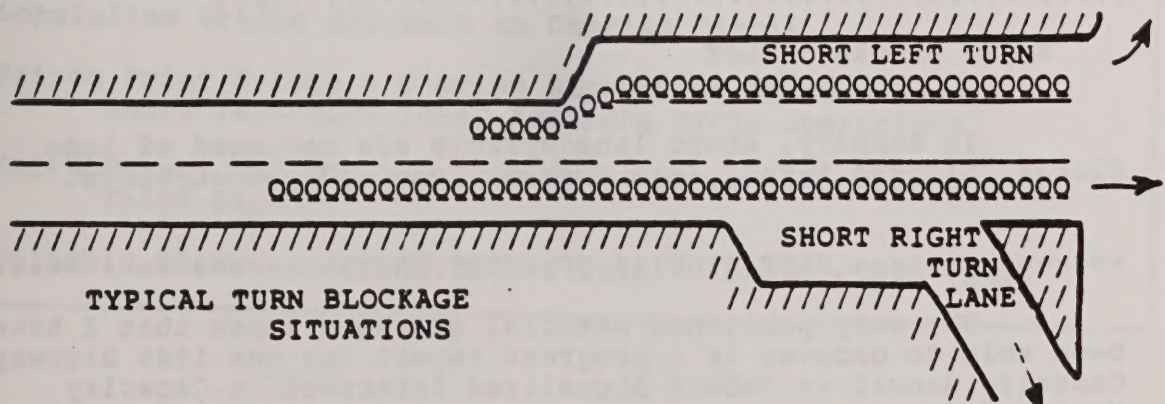
SHORT LANE IMPLICATIONS FOR INTERSECTION CAPACITY

Short lanes are a physical constriction on intersection approaches. Capacity is reduced when queues grow long enough to interfere with access to another lane. Queue growth accelerates when vehicles that might use another lane become concentrated in one lane. More signal time is required to process this longer queue.

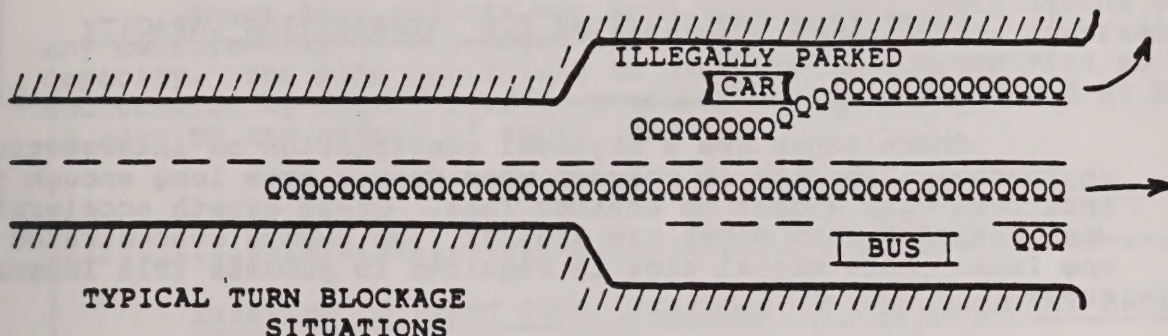
There are four types of short lane situations. A Lane Flare occurs when the adjacent lane affected is part of the same movement.



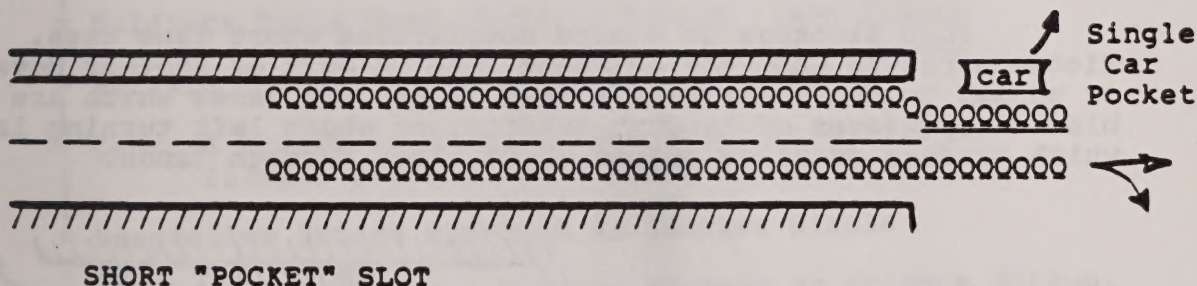
Turn Blockage is a more complicated short lane case. Blockage occurs when the adjacent lane is part of another movement or phase. Common examples are free right turn lanes which are blocked by queues of through traffic, or short left turning lanes which produce overflow queues which block through lanes.



Lane Obstruction is a third type of short lane effect and occurs when stopped vehicles block a moving lane near an intersection. These stopped vehicles could be a bus, a waiting taxi, or an illegally parked car.



"Pocket Slots" are very short lanes which exist informally in the middle of intersections. The first left turn vehicle may occupy a "pocket" slot between the opposing flows of traffic, with following vehicles swinging around to the right of the stopped car. However, the second or third left-turn vehicles joining the queue will block the leftmost through lane. In practice, there would be a very short left turn lane one or two cars long. This type of short lane will actually increase the capacity of some intersections.



In summary, short lane effects are composed of lane flares, blocked turns, lane obstructions and pocket slots.

===== PAST STUDIES OF SHORT LANES =====

The only published material on short lanes that I have been able to uncover is a progress report for the 1985 Highway Capacity Manual -- "NCHRP Signalized Intersection Capacity Method," February 1983, prepared by JHK Associates. Short lanes were discussed briefly on pages 4-3 and 4-4, yet the methodology was not integrated into the regular capacity calculation procedures.

Unfortunately, between this 1983 report and the 1985 manual, any discussion of short lanes was dropped, and the only remaining reference in HCM85 to short lanes is inferred from Figure 9-2, which requires that analysts should record the length of the storage bay for right or left turns, L_s . However, the length of storage bays is never used in any of the Chapter 9 calculations.

Short lane effects can have significant implications for any measurements of saturated lane capacity and hence intersection capacity. The wide variations in measured lane capacities so far encountered by TRAFFC studies probably could be explained at least in part by the effect of short lanes.

EXAMPLES OF SHORT LANE LOCATIONS IN THE CAMBRIDGE AREA

- * Alewife Brook Parkway & Route 2 signals, with conflicting queues occurring on all three approached in the AM and PM.
- * Alewife Brook Parkway at Rindge -- short left turn slot in AM
Park, Rindge Ave. Extension -- right turn blocked AM + PM
- * Lake Street and Mass. Avenue, Arlington -- short 2-lane approach on Lake Street.
- * Fresh Pond Parkway inbound at Mt. Auburn Street
(2-lane approach flares into 3-lanes -- which were previously painted for 4-lanes)
- * Soldiers Field Road at Eliot Bridge (lane flares)
- * Harvard Square -- taxis, illegal parking
- * Central Square -- River Street right turn blocked,
Illegal parking and buses blocking lanes
- * Longfellow Bridge approach to Charles Circle
- * Prison Point Bridge & O'Brien Highway at Science Museum.
Short left turn lanes for long cycle operations
- * Third Street and O'Brien Highway -- short lane approach on Third Street.
- * Columbia Street and Cambridge Street -- short right lanes

EXAMPLES OF SHORT LANES OUTSIDE THE CAMBRIDGE AREA

- * Hartwell Avenue jughandle (Lexington) -- for east and westbound and jughandle turns in the AM peak.
- * Route 1A and Revere Street, Revere -- eastbound parked cars northbound "pocketed" left turns
- * Beacon and Arlington Street (Storrow Exit) short right turn lanes
- * Berkeley and Beacon Street, Back Bay Illegal parking in turn lane
- * Middlesex Turnpike & Route 128 SB ramps (Burlington) -- taper on the two-lane left turn
- * Numerous left turn slots on Route 9 from Boston to Worcester

***** QUEUE LENGTH FORMULAS -- 1983 REPORT *****

How does the geometry of short lanes affect the capacity of lane group flow. Clearly, if the volumes are low or the turn lanes are very long, the queues will not cause blockage and short lanes will not be an issue.

The point at which average lane queues begin to start blocking conflicts is defined by the 1983 report as the Critical Queuing Distance (D_c).

$$D_c = \frac{L \cdot V \cdot R}{3600 \cdot n \cdot (1.0 - V/s)} \quad <1>$$

TECHNICAL NOTATION

D_c = Critical Queuing Distance (average), feet
 L = average vehicle space in queue (20-22 feet)
 V = average hourly volume in lane group, vph
 R = effective Red Time, in seconds
 n = number of lanes in lane group, at stop line
 V/s = flow ratio for lane group
 s = saturation flow rate, vph per lane
PHF = Peak Hour Factor (hourly flow/4xpeak 15-min flow)
 C = cycle time, in seconds
 T_s = time that queues grow in the short lane, in seconds
 T_b = time from beginning of turn blockage until last car is cleared from the queue, in seconds

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TECHNICAL NOTATION (Continued)

W = time for start-up wave to reach last car, sec.
Vel = Individual vehicle speed, feet per second
A = acceleration/deceleration of individual vehicles
Ds = length of the short lane, in feet
Db = length of the queue extension beyond the block point

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EXAMPLES OF THE 1983 SHORT LANE FORMULA

- (a) Single lane approach, V = 800 vph, R = 60 sec., V/s = 0.50
 $Dc = 22 \times 800 \times 60 / 3600 / 0.50 = 590 \text{ feet}$
- (b) Single lane approach, V = 1100 vph, R = 50 sec., V/s = 0.70
 $Dc = 22 \times 1100 \times 50 / 3600 / 0.30 = 1120 \text{ feet}$
- (c) Single lane approach, V = 1100 vph, R = 30 sec., V/s = 0.70
 $Dc = 22 \times 1100 \times 30 / 3600 / 0.30 = 670 \text{ feet}$

The difference between (b) and (c) is that shortening the cycle length by 40% also trims the queue lengths by 40%. Delays are also cut by 40%.

We can see that there are several responses to short lane conflicts :

- (1). Shorten the signal cycle
- (2). Lengthen the turn lane
- (3). Allocate more Green time, if available, to the short lane group

===== QUEUE LENGTH FOR SHORT LANES, 1983 REPORT =====

The 1983 report proposed a rather complicated method for calculating saturated lane volumes. It required an initial calculation of V/s, then an evaluation of short lane effects and then a recalculation of V/s under short lane conditions. The procedures were not clear and there was no simple plug-in formula for lane capacity with short lanes.

The presence of V/s in this equation is peculiar. Why should the degree of loading of other phases have any effect on the fixed time operations of one approach? The results show distortedly long queues on heavy approaches. Because volumes have already been taken into account in the formula, an additional adjustment for V/s seems equivalent to double counting.

***** ANALYSIS METHODS FOR ESTIMATIONS OF QUEUE GROWTH *****

Before we can understand the effect of short lanes on queues, we must develop accurate models of queue growth under conditions of uninterrupted long lanes.

Several assumptions must be made from the start. Vehicles arrive with even spacing, at the same cruising speed, and with the same braking profile. There are no special capacity limitations such as illegal parking or geometrical obstructions. The intersection has enough capacity to handle all the approach volume on the average signal cycle, without residual queuing.

The greater the approaching lane volumes, the faster the queues will grow. Queue growth will also be higher because the queue will physically extend towards the arriving vehicles. Each new vehicle coming to a stop will have traveled 20-22 feet less distance than the car immediately in front. This distance is also called the Jam Spacing or L.

The arrival time at any one point between consecutive vehicles is $3600 n/V$ seconds, and is also the headway. This arrival time is reduced by the time to travel 20-22 feet. For example, a flow of 600 vph in one lane would produce an arrival time of 6 seconds, less 0.5 sec, which is the time to travel 22 feet at 30 mph. The queue would grow at a rate of one car every 5.5 seconds.

The vehicle arrival time averaged through the peak hour is

$$\text{ARRIVAL TIME} = 3600 n / V - L/Vel \quad \text{sec./veh.} \quad <2>$$

and with the adjustment for peak hour factor, PHF

$$\text{PEAK ARRIVAL TIME} = 3600 n \text{ PHF} / V - L/Vel \quad \text{sec./veh.} \quad <3>$$

The peak arrival time can be inverted to yield

$$\text{QUEUE GROWTH RATE} = \frac{L}{3600 n \text{ PHF} / V - L/Vel} \quad \text{feet/second} \quad <4>$$

The queue length at any time T is

$$\text{QUEUE LENGTH (T)} = \frac{L T}{3600 n \text{ PHF} / V - L/Vel} \quad \text{feet} \quad <5>$$

At the end of the Red time R, the light turns green and the queue begins to move out from the front, while incoming cars continue to add to the rear of the queue. The queue of standing vehicles becomes shorter and shorter as the front of the queue dissipates while the tail of the queue continues to grow.

From field observation, drivers respond to start-up movement with a 1-second response time. A "start-up wave" moves backwards through the queue at about 15 miles per hour. Under the heaviest traffic conditions, the tail end of the queue grows at a maximum of 10 mph, so eventually the "start-up wave" catches up with the "stopping wave". At this point, the queue ceases to grow and is "cleared out," with no remaining stopped vehicles. This time is defined as the "Wave Time" W, measured from the beginning of Green until the start-up wave reaches the end of the queue.

The total time of queue growth is therefore R + W, and

$$\text{QUEUE LENGTH (R + W)} = \frac{L (R + W)}{3600 n / V - L/Vel} \quad \text{feet} \quad <6>$$

The start-up wave passes through the same queue length in time W. With a reaction time of one second, this queue length is LW.

$$\text{QUEUE LENGTH (R + W)} = L W \quad <7>$$

Equations <6> and <7> can be solved for time W, and when W is substituted into equation <6> above, the result is

$$\text{FINAL QUEUE LENGTH} = \frac{L R}{3600 n \text{ PHF} / V - L/Vel - 1} \quad \text{feet} \quad <8>$$

A comparison of three sample queues shows that Equation 8 differs from the 1983 report (Equation 1), in some cases quite significantly. The 1983 formula appears to be unduly sensitive to V/s, and does not include a Peak Hour Factor.

3 EXAMPLES (SINGLE LANE APPROACHES)			EQUATION 8	1983 REPORT
(a)	V=800 vph, R=60 sec., V/s=0.50		520 ft.	590 ft.
(b)	V=1100 vph, R=50 sec., V/s=0.70		760 ft.	1120 ft.
(c)	V=1100 vph, R=30 sec., V/s=0.70		455 ft.	670 ft.

***** EMPIRICAL VERIFICATION *****

Average vehicle spacing of 22 feet was measured from Alewife Brook Parkway at two locations. In prior years, 25 feet has been a typical value, but the widespread use of smaller cars has resulted in denser vehicle packing in queues. The 1983 NCHRP report suggested a value of 20 ft. spacing between vehicles, but only in rare samples did I find average vehicle spacing at 20 feet.

Queue growth is difficult to correlate with volumes and geometrics, because of the often random arrivals of vehicles. Any measurements would require several field observers, recording data on the time and location of each car as it stopped, as well as approach data on instantaneous volumes, cruise speeds, and an identity tag for each car.

However, for a congested approach, the approach volumes can be assumed to be 1800 vph per lane as they approach the stop line. From Eq. <2>, this flow represents a vehicle every 2 sec., less 0.5 sec., so that each car would come to a stop 1.5 seconds after the car immediately in front. Measurements of this stopping wave were made in 1985 at the Alewife/Route 2 area during congested flow to observe the stopping wave, and indeed vehicles were stopping at an interval of 1.5 seconds in each lane.

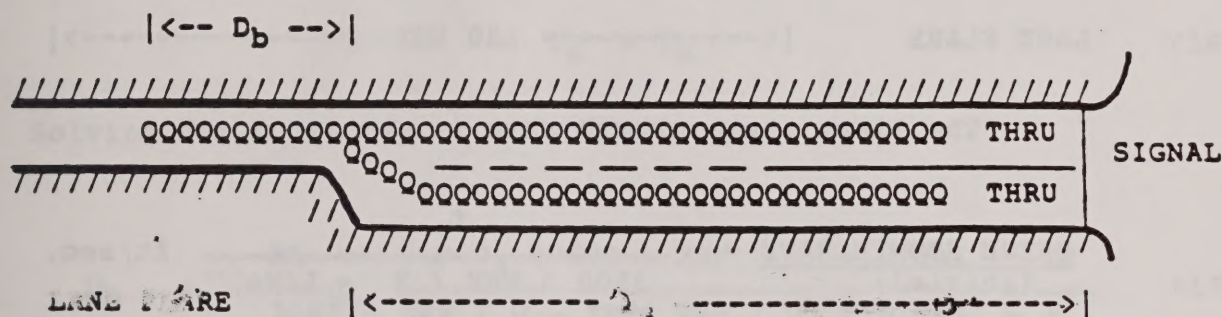
Data used above on the start-up wave was derived simply from empirical observation of the average reaction time of each driver on Alewife Brook Parkway. This reaction time of 1 second per car resulted in the start-up wave having a speed of 15 mph. Note that the start-up wave would begin at the front of the queue, and move backwards at a speed of 15 mph. Meanwhile, the stopping wave would have begun earlier, but would be moving more slowly at 10 mph.

One can also check the interaction of stopping and start-up waves. If the congested queue is long enough, the start-up wave should catch up with the stopping wave about 200 feet from the Rindge Avenue stop line, based on Alewife signal conditions in 1985.

Observations of the congested 1985 AM peak at Alewife confirmed this estimate, with the startup peak catching up with the stopping wave in the vicinity of Arthur D. Little, which is about 2000 feet from the Rindge Avenue signal.

===== QUEUING CALCULATIONS FOR SHORT LANES =====

The simplest example of short lane queuing is a single lane road which flares into a 2-lane approach to a signal. The first stage of queuing would be conventional, until the queue filled the short lane.



In most real situations, the short lane flare will become blocked before it is filled, because the left lane tends to have slightly longer queues -- mainly due to through vehicle momentum and pavement markings.

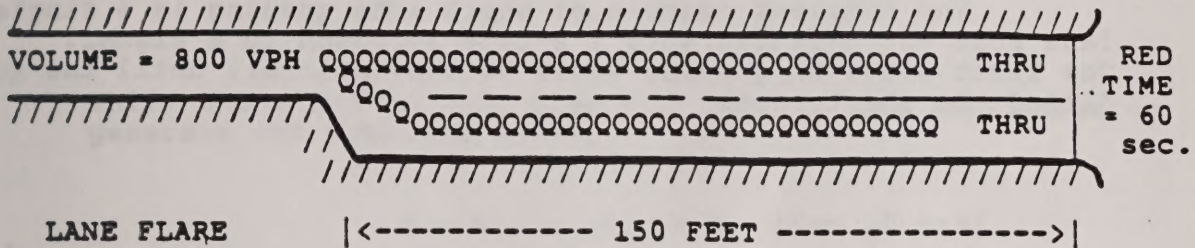
How should we deal with this uneven or unbalanced queuing? A good analogy can be made capacity adjustment for multiple lanes, whereby 2 lanes are given a penalty or inefficiency factor of 1.05 to account for uneven use of multiple lanes. If we assign a 5% adjustment for uneven queuing, the analogy would be comparable to the right lane queue being only 90% the length of the left lane queue. This 10% difference in queue length appears reasonable based on random observations of multiple queuing in urban traffic.

In practical terms, it means that the situation is almost exactly equivalent to unbalanced traffic queuing when 10% of the length of the short lane is cut off. The heavier the right turn volume, the more balanced will be the queuing. It has also been my observation that very short lanes close to the signal will result in very high incidence of uneven queuing.

The second stage of queuing occurs in a single lane, as the queue extends to its ultimate length, $D_s + D_b$. In capacity terms, the two queues operate independently in response to vehicle start-up. The start-up wave moves down the left lane until it gets to the end of the queue, and in capacity terms it is this queue which must be handled by the signal.

===== QUEUE GROWTH FOR A SIMPLE LANE FLARE =====

In the example that follows, the right hand lane flare is 150 feet long, red time is 60 seconds, the PHF is 0.90 and the approach volume is 800 vph.



The first stage growth rate is

$$\frac{\text{QUEUE GROWTH RATE}}{\text{(initial)}} = \frac{L}{3600 n \text{ PHF} / V - L/Vel} \quad \text{ft./sec.} \quad <9>$$

$$\text{..... EXAMPLE} = \frac{22}{7200 \times 0.9 / 800 - 0.5} = 2.9 \text{ ft./sec} \quad <10>$$

and the second stage growth rate is

$$\frac{\text{QUEUE GROWTH RATE}}{\text{(blocked)}} = \frac{L}{3600 (n-1) \text{ PHF} / V - L/Vel} \quad \text{ft./sec.} \quad <11>$$

$$\text{..... EXAMPLE} = \frac{22}{3240 / 800 - 0.5} = 6.2 \text{ ft./sec.} \quad <12>$$

The queue lengths at the end of stage 1 are :

$$0.9 D_s = \frac{L T_s}{3600 n / V - L/Vel} \quad \text{feet} \quad <13>$$

and at the end of the second stage, the additional queue length is

$$D_b = \frac{L T_b}{3600 (n-1)/V - L/Vel} \text{ feet} \quad <14>$$

The total length of the queue is

$$D_s + D_b = W L \quad <15>$$

while the start-up wave time W is part of the total time to generate the complete queue,

$$R + W = T_s + T_b \quad <16>$$

Solving for D_b yields

$$D_b = \frac{RL - 0.9 D_s (3600 n PHF / V - L/Vel - 1)}{3600 n PHF / V - 3600 PHF / V - L/Vel - 1} \quad <17>$$

$$\begin{aligned} \text{.....EXAMPLE} &= \frac{60 \times 22 - 0.9 \times 150 (7200 \times 0.9 / 800 - 0.5 - 1)}{7200 \times 0.9 / 800 - 3600 \times 0.9 / 800 - 0.5 - 1} \quad <18> \\ &= 170 \text{ feet} \end{aligned}$$

For this example, we can use the equations above to calculate these results :

EXAMPLE : Total queue length = $135 + 170 = 305$ feet. or 14 cars
 Total cars queued = $2 \times 135 + 170 = 440$ feet or 20 cars
 Time which queuing in the short lane = $T_s = 46$ sec.
 Time for single lane queuing = $T_b = 27$ seconds
 Total time from queue beginning to end = 73 sec.

These results can be compared to the same traffic situation with long lanes and no blockage in 2 lanes. From Equation <8>,

$$\underline{\text{QUEUE LENGTH}} \text{ (no blocking)} = D_o = 200 \text{ feet} \quad <19>$$

With similar assumptions of uneven queuing, the queue lengths in the lanes would be 210 feet and 190 feet. Just under 10 cars would be in the queue, compared to a queue length of 14 cars for the short lane situation.

Capacity is only $210/305 = 69\%$, or a 31% loss of capacity due to the short lane. To account for short lanes in the regular capacity calculations, the base saturated lane capacity would be reduced from 1800 by 31% or 1240 vph.

From this analysis, we can see that increasing the length of the short lane from 150 feet to 210 feet would result in unblocked flow in two lanes. The result of increasing the short lane length by $1/3$ is to restore the $1/3$ lane capacity loss on the approach.

It should be emphasized that lane flare analysis assumes smooth movement in two lanes past the stop line on the green phase. If left turn conflicts or heavy pedestrian volumes interfere with this smooth flow, traffic could be slowed and the effects of short lanes nullified.

For example, traffic queued behind a stopped left turning vehicle would be inclined to switch into the right lane. Such movements could even up any lane queuing imbalance due to short lanes, especially if the lane changes are made smoothly at speed. But if stopped vehicles in the left lane try to jump into a moving right lane traffic flow, the right lane flow could be disrupted and reduced. The primary question is : will X number of left turn vehicles be large enough to nullify the effects of lane blockage occurring Y % of the time? It would appear reasonable that if X number of left turns had the effect of stopping the left lane Y % of the time, the effects of the left turns would nullify the short lane effects. For this calculation, we obviously need to know more about the percentage of time vehicles are stopped in the left lane.

Now we have a procedure to modify the methods of Chapter 9 of HCM85 for lane flares.

PROCEDURES FOR CALCULATING CAPACITY EFFECTS OF SHORT LANE FLARES

1. Make a judgment whether left turn conflicts at the signal are likely to override any effects of short lanes. Record the reasons for this judgment.
2. Measure the length of the short lane D_s . List the values for Red Time R , number of through lanes n , approach volume V , PHF, approach cruise speed Vel , and use spacing $L = 22$ feet.
3. Calculate the no-block queue length D_o using equation <8>

$$D_o = \frac{L R}{3600 n \text{ PHF} / V - L/Vel - 1} \quad \text{feet}$$

If D_o is less than D_s , blockage will not occur, and normal lane capacity calculation methods can be used.

4. Calculate the queue increment D_b using equation <17>

$$D_b = \frac{RL - 0.9 D_s (3600 n \text{ PHF} / V - L/Vel - 1)}{3600 n \text{ PHF} / V - 3600 \text{ PHF} / V - L/Vel - 1}$$

5. Calculate $1800 \times D_o / (D_s + D_b)$ as the new unadjusted saturated lane capacity and utilize in all further capacity calculations.

.....

to be continued

The next sections will deal with

- * turn blockage of a "free right turn lane"
- * spillover from a short left turn slot, blocking a through lane
- * right turn queues which block a through lane



audubon circle neighborhood association



November 14, 1989

John DeVillars, Secretary
Executive Office of Environmental Affairs
MEPA Unit - 20th Floor
100 Cambridge Street
Boston, MA 02202

Re: EOEI File No. 7643
mated Plaza Associates

RECEIVED

NOV 15 1989

MEPA

Dear Secretary DeVillars,

The following comments are submitted with regard to the above-referenced project's Draft Environmental Impact Report.

I. TRANSPORTATION

A. Traffic and Public Transit - One of the more crucial elements in the development of this project is the impact it will have on traffic and the mass transit system. The Draft Environmental Impact Report (Report) studies 24 intersections in the vicinity of the project, and analyzes the levels of service available on public transportation systems. As explained below, the Report fails to accurately calculate the existing demands on the road and transportation systems, and therefore fails to accurately predict the impacts the proposed project will have on these systems.

(1) As indicated in the Report, analyses were undertaken of intersections based on traffic counts at morning and afternoon peak hours. Similarly, counts were undertaken to determine ridership on the mass transit lines. It is also made explicit in the Report that those counts were taken during the summer months of June, July and August. The months of June, July and August are typically the quietest months of the year, especially in this area of the City, due to the hiatus in college classes. Thousands of students leave the area, or stop commuting in to the many schools concentrated here. Faculty and staff levels also decrease significantly. The summer months also mark the traditional vacation season, and the working population significantly decreases as well. To assume the counts taken are representative of the nature of demands on the road and transit system is therefore a basic flaw in the Report. It is strongly urged that the proponent reconduct these counts now, when schools and universities are in session and the working population is in full force, before drawing any conclusions about traffic, levels of service on transit systems, or success in mitigation efforts.

(2)

(2) The Report discusses a secondary access and egress opportunity as a way to improve traffic flow from and to the site. In particular, the Maitland Street Connector is proposed (see p 3-37). During the course of meetings with the proponent, it has been made clear that this proposal is no longer considered feasible or desirable. Therefore, most of the the proponent's traffic mitigation proposals (beginning at p. 3-68) become suspect to the extent they are based on the Maitland Street Connector being in place. The proponent must therefore re-visit these mitigation proposals to ensure that they have meaning. ③

(3) Also with regard to the Maitland Street Connector: because the proponent has decided to dispense with this idea, the Report fails to describe the traffic impacts that will result due to "unstructured" use of this back door approach. In particular, if Maitland Street is not reconfigured to allow rear access, such access and egress can and will occur over Miner Street. Although Fullerton Street (the street which defines the site's rear property line) is not shown as being physically connected to Miner Street, there is indeed such a connection over the MBTA Riverside tracks. Visitors and patients to the Harvard Community Health Plan (and others aware of the connection) use this access point on a daily basis. It therefore must be clearly spelled out how use of this "back door" approach will be prevented and, if not prevented, what the resulting traffic patterns and flows will be, and the concomitant effect these patterns and flows will have on the Audubon Circle neighborhood and its residents. ④

(4) In both the traffic and transit use analyses, the Report indicates that peak commuter hours did not coincide with traffic and transit use associated with Red Sox games. We feel strongly that this conclusion is not warranted (due in part, again, to the time of year the traffic study was undertaken), and neatly avoids a troublesome fact of life: rush hour and Red Sox traffic create havoc in the area. (We appeal to anyone who has tried to negotiate Kenmore Square, or been on a Green Line car, between 5:30 and 7:30 p.m. on a game night!) The Report is therefore deficient in this respect and must be amended. ⑤

(6) Table 3.11-16 (p. 3-116) indicates a no-build demand on the Red Line's Ashmont/Braintree branch to be in excess of capacity, and yet finds that the 1995 build and no-build demand is less than capacity. Some mistake seems to have been made. ⑥

(7) A crossover at the Riverside Fenway T stop was suggested as a way to increase service from the station into town during the afternoon rush hour. (See p. 3-117.) If too many trains destined for Riverside come at one time, indeed, a car or two may be at "low utilization." (We question whether any car would be at "very" low utilization during rush hour.) At the same time, if cars come at regular intervals during rush hour, it is a rare car that stops at the Fenway station en route to Riverside that is not standing room only. ⑦

To call for regular turn-around of cars at Fenway will likely create a back-up of commuters at the Fenway station waiting to continue into Brookline. During rush hour, it would make more sense to call for a few turn-arounds at the Reservoir Station, which is bigger, better lit, and which is at a stop along the line where the cars are much more likely to be at "low utilization."

B. Traffic Mitigation - The Report details a number of proposals to mitigate the traffic problems that currently exist at the various intersections studied, as well as those that will be generated by the project. In most of these proposals, other entities or government bodies must participate, approve the plan, or take direct action. Without knowing whether or when these other entities will take the necessary actions, no one can be assured that the problems generated will be dealt with. The Report, therefore, not only fails to accurately portray the problem (due to unrepresentative counts), but also fails to provide any succinct answer on how to deal with it. We must therefore find that the Report is not instructive or helpful in defining the project's impacts or ways to mitigate them. (8)

C. Pedestrian travel - Included in the concept of transportation is pedestrian access. Again, the Report indicates a study of pedestrian flows was conducted during the month of August (p. 3-120). Therefore, all assumptions made and conclusions drawn are suspect because of the dramatic increase in the pedestrian traffic once the summer months have passed. Further, a discussion of the impact Red Sox games have on pedestrian travel must be conducted, for the intersection of commuter traffic with this phenomenon cannot be avoided. It is strongly recommended that this element of the Report also be revisited and discussed, so that the project impacts can be better described. (9)

Also in connection with pedestrian travel, the proponent indicates paths of access to the site other than those currently used. In particular, no discussion is made of the [non-signalized but heavily used] crossing at the summit of Park Drive directly over the MBTA tracks, nor how increased traffic may affect pedestrian safety at this crossing. This crossing is the most direct link to the site from its north and west side (for example, if one were walking to or from the Cleveland Circle Green Line stop on St. Mary's Street). The Report shows crossings at other locations (see Figures 3.12-1, 2, 3) which are rarely used now, otherwise inconvenient, and probably less safe to the extent they are on a descending slope to on-coming traffic, and on a blind curve. The analysis on pedestrian paths must therefore be amended to take reality and safety precautions into account. (10)

Also, to the extent the Report analyzes various reconfigurations of traffic flow, lights and road layout, this factor (i.e., the preferred pedestrian crossing at the summit of Park Drive) must be incorporated.

II. AIR QUALITY

The Secretary asked for a description of the traffic impacts on air quality at various locations and intersections. We must reiterate that the traffic counts taken at the twenty-four intersections cannot be deemed representative because they were conducted during the summer months. Therefore the Report cannot be deemed accurate in its determination of which intersections to study (i.e., intersections with LOS D, E or F), nor of the concentrations of carbon monoxide and other emissions that are currently or may be emitted. This element of the Report must therefore be re-drawn. (11)

III. WATER AND SEWER

Throughout this section in the Report, the proponent assumes a historical peak staff level of 3000 persons in calculating water usage and sewage flows. This assumption is inappropriate to the extent the proponent has indicated that a staff level of 5000 employees is expected when the project is fully built. Such a significant discrepancy between the usage assumed and that which will take place militates strongly for a full re-examination of this issue to insure the water and sewer systems are adequate to meet the demands this project will create. (12)

IV. HAZARDOUS WASTE

A. Use - The Report indicates that no manufacturing or chemical processing will be undertaken on-site, therefore special precautions need not be taken to prevent discharges of hazardous materials down waste water drains. (See p. 4-76.) To the extent chemicals, radioactive isotopes, biological materials, and other potentially harmful substances will be used or generated on the site, there is always a potential for inadvertent as well as purposeful discharges. Establishment of "protocols" does not, therefore, address this fact, nor the exposure that will be occasioned either by residents, or the rivers or harbor into which these discharges ultimately flow. We feel that much more stringent measures must be taken by the proponent to prevent these discharges, which measure should not depend on the good intentions of either the tenants of the building, or their employees. (13)

B. Transport - No adequate discussion was given in the Report on the delivery and transport of potentially harmful materials. Although the proponent discusses traffic flows generally, there are no assurances that spills, discharges or other opportunities of exposure to toxic or dangerous substances will or can be dealt with. For example, what emergency procedures or equipment will be available in the event of an accident (traffic or otherwise)? Who will be responsible for implementing a response? How will response readiness be monitored? To say other agencies or parties will comply with or be responsible for monitoring use of hazardous materials does not address how this project will impact its immediate environment.

V. WATER POLLUTION

The Report indicates that surface run-off will be reduced due to increased landscaping. On the other hand, a greater percentage of the site will be developed, traffic in and around the site will increase, and roof run-off will increase. Therefore, run-off from the roofs of the main building, the two new office (or office and hotel) buildings, the roof and decks of the parking garage, and all interior roadways will continue to drain into culverts, the Muddy River, the Charles River and, ultimately, the harbor. It is unclear (a) why, although this is deemed "clean" run-off, the MWRA prohibits roof run-off from entering the sanitary sewer system; and (b) why diverting road or roof run-off into the Muddy River and other water bodies is acceptable. We ask that these points be further developed and a better plan devised. (14)

VI. SOLID WASTE

The Report indicates (p. 4-95) that the bulk of the construction debris will be disposed of by a contractor at approved landfill sites. This is an unimaginative response to an issue that should no longer be considered a secondary matter. Landfill space throughout the state, as well as the nation, is being exhausted at an incredible rate; it should not have to be repeated that alternatives to landfill disposal must be found.

The sheer bulk in brick, concrete and steel (as well as wood shelving and interior building materials) to be removed from the project site indicates that a cost-effective alternative to disposal could be devised. For the proponent to leave the matter in the hands of a contractor is not responsive to the issue of what impacts this project will have on the environment; the proponent must assume its rightful responsibility for the generation of such massive amounts of debris. This is not "somebody else's problem." This is everyone's problem, and the proponent must be among those held accountable for the societal costs of the project. Unless the proponent is prepared to compensate society for the creation of this mass of "garbage," it should come up with a plan to recycle these materials in a way that either benefits society, or does not have a negative impact (such as contributing to the exhaustion of landfill sites). (15)

VI. NOISE

The Report indicates that much of the noise that may be created by the project will be generated by construction vehicles and by traffic. If one were to accept this, the issue raised earlier in these comments must be reiterated: traffic counts and noise studies were done in the quietest months of June, July and August. The Report therefore cannot fully document the levels of noise currently experienced, nor clarify the projected noise levels. (16)

The Report also fails to consider the impact of increased bus service on city streets in and around the project that the proponent advocates. In particular, the Report recommends coordination with and expansion of the shuttle bus service offered by MASCO. For the record, the MASCO buses are typically old, noisy and burn gas inefficiently. To increase the level of service through use of such vehicles will have a negative impact on noise levels as well as air quality in the neighborhoods. We therefore recommend a more exacting review of this proposal, its impacts, and ways to mitigate the known negative impacts in the event service levels are increased. (The problem is particularly acute on Park Drive where fairly steep slopes cause buses to use squealing brakes, down shift, and belch noisome exhaust.)

VII. SCALE

A. Wind - While the MEPA process does not typically entail review of matters such as wind and shadow, the Report indicates that the geometric characteristics of the proposed development and the level of public concern will influence MEPA's approach to these issues. If this is true, we believe this project warrants MEPA review. In particular, the project entails development of ~~the~~ new buildings on the site, two of which will be as tall as or taller than the existing Sears building. These new structures will be at least twice as tall as the buildings adjacent to the project site. In this light, the potential for significant wind impacts is clear; the Report's assertion that no such impacts will become manifest is contrary to acknowledged standards. (17)

Furthermore, to compare the new buildings to the existing Sears tower is disingenuous: the concern and issue is how this project relates to the surrounding community and its physical characteristics, not how it relates to itself. Therefore, to the extent the new buildings, set closer to adjacent, off-site structures than the existing building, will be at least twice as tall as adjacent off-site buildings, a wind study is warranted. If the proponent is anxious to increase pedestrian activity in and around the site, it is in its own interest to ensure that the "nuisance winds the lift hats and litter up from the ground" will not occur.

It should also be stated that the development of the new buildings will create some rather narrow paths through the site which we believe will likely increase the likelihood of channelization referred to in the Report. It would behoove the proponent to exercise care in developing canyons to the extent it wishes to create a pleasant surrounding for its prospective tenants. Of greater concern to us, however, is the potential for creating a tunnel along the MBTA tracks which will make walking decidedly unpleasant for pedestrians seeking to circumvent the project, which tunneling would also make waiting at the Fenway T stop significantly more unpleasant. This issue again points to the need for further research into wind impacts.

B. Shadow - As indicated above, the new buildings will be at least twice as tall as the existing building and will be closer to the adjacent community. Therefore, the project will cast additional shadows, some of which will fall on adjacent residential buildings. We must state clearly that increased shadows on residential structures are unacceptable. While the renderings provided in the Report show that (with the exception of 9:00 a.m. 9/23/89; Figure 4.2-7), increased shadows are not that extreme, for any group of residents to have its light taken away is an unacceptable impact. (We urge the reviewer to inspect these renderings closely: one will see that the light to be cut off is the only light these apartments may get for the entire day, as few apartment units have windows in the rear as well as the fronts of buildings.) This is a project in a residential area; the residential component cannot be compromised in favor of office use. (19)

We are also displeased at the prospect of the Fenway MBTA station being thrown completely in shadow for the morning commute.

VIII. CONCLUSION

The proponent has prepared a lengthy report that has done much to describe the project and some of the likely impacts. From our point of view, however, the unrepresentative counts for traffic, pedestrian and parking studies renders the Report's conclusions flawed, and the corresponding mitigation plans equally suspect. The assumptions made on the numbers of people on site during a typical day in a full-build plan were also low. These failures make it difficult if not impossible for the reviewing entities to determine whether the impacts of the project can be absorbed by the systems dedicated to particular purposes. These include the mass transit systems, the road system, the parking facilities, the sewer and water systems, the electrical systems, and other utilities. It also undermines the validity of conclusions concerning air quality and noise impacts. We therefore see significant room for improvement of the Report by taking more representative counts, as well as more accurate predictions on use.

Additionally, the Report fails to adequately address the hazardous and solid waste issues. We urge a better approach to these issues, and a more active role by the proponent in handling these matters.

Lastly, we urge more attention be paid to the wind impacts of this project, and a more sensitive approach to the surrounding residential community in terms of shadow. We are sure the architect for this project and the developers he serves can construct buildings that will reduce this impact on the adjacent buildings, and still have a viable project.

Thank you very much for the opportunity to comment

Very truly yours,

Dolores Boogdanian
Dolores Boogdanian

**MASSACHUSETTS
BAY
TRANSPORTATION
AUTHORITY**

Thomas P. Glynn
General Manager
Transportation Building
Ten Park Plaza
Boston, Massachusetts 02116

November 17, 1989

(6)

Secretary John DeVillars
Executive Office of Environmental Affairs
100 Cambridge Street, 20th Floor
Boston, Massachusetts 02202

Attention: Ms. Connie Gatek
MEPA Unit

RE: EOE A File No. 7645
Olmstead Plaza Draft EIR
Boston, MA

LATE COMMENT

RECEIVED
NOV 22 1989
MEPA

Dear Secretary DeVillars:

The Massachusetts Bay Transportation Authority (MBTA) has reviewed the Draft Environmental Impact Report (DEIR) for the Olmstead Plaza Project and is enthusiastic about the future of this development. However, the proposed development appears to have significant impacts on MBTA operations which need to be addressed more completely.

I have included with this letter, an attachment which details concerns we have regarding the analysis and the projects impacts on the MBTA.

Of particular concern are increased operating requirements caused by the project. Operating requirements are dictated by passenger volumes at the peak load point on a given route during the peak period of operation. This analysis was not performed for bus routes serving the project site making it impossible to estimate the impacts on transit operations. The report does, however, indicate that increased use of the Green Line resulting from the project will require operation of trains averaging 2.3 cars in length. According to our analysis, the added cost of equipment to accommodate this service level is an estimated \$7.5 million with an added annual operating cost of \$1.0 million.

While we encourage the project proponents strategy to promote the use of mass transportation, in light of the magnitude of the impact on the MBTA and limitations on public financing, the project proponent should assume responsibility for significant mitigation of project impacts on the transit system.

①

②

As a practical matter, mitigation might be most appropriate in the form of "adopting Fenway Station." Adopting the station would consist of station modernization and construction of a turn back track as discussed in the proponents Draft EIR and station maintenance. Construction would include:

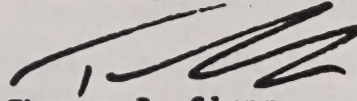
③

- access for handicapped persons
- grade separated pedestrian access to the outbound platform
- a turn back track
- new passenger platforms
- lighting, signing, fencing, benches, landscaping, etc.

I further suggest that the project proponent revise his analyses in accordance with the attachment to this letter.

I hope these comments prove helpful. Please contact Mr. Donald J. Kidston, Project Manager for Development at 722-3152 if you have any questions regarding these comments.

Sincerely,



Thomas P. Glynn
General Manager

**Boston Water and
Sewer Commission**

425 Summer Street
Boston, MA 02210-1700
617-330-9400
Fax 617-330-5167

RECEIVED
NOV 14 1989
MEPA



November 9, 1989

**Secretary Mr. John P. DeVillars
Executive Office of Environmental Affairs
20th Floor
100 Cambridge Street
Boston, Massachusetts 02202**

Attention: MEPA Unit

Re: EOEa #7643, Olmsted Plaza, DEIR

Dear Secretary DeVillars:

The Boston Water and Sewer Commission has reviewed the Draft Environmental Impact Report for the proposed Olmsted Plaza project. This project consists of the redevelopment of the existing and presently vacant Sears Building on Brookline Avenue, Boston and the construction of three new buildings; an office building, a 300-room hotel or office building and a garage.

The gross floor area of the proposed project (excluding the garage) totals 1,557,000 square feet of retail, office, clinical, and research and development space and will include day care facilities, a hotel and an athletic club. The garage will have capacity for 1525 cars. The Sears parking lot across from the proposed development on Park Drive is to be purchased by the developer, transferred to the city and then restored as parkland.

Phase I of the project will involve the demolition of the warehouse additions, restoration of the main Sears Building, and construction of the garage up to the fifth floor. The second phase of the project will entail the development of the buildings on Park Drive and on Brookline Avenue and the addition of three new levels of parking to the garage.

Average daily water use at the proposed facility is projected to be about 144,760 gallons per day (gpd) or about 78,760 gallons more than previously used. Peak summer use will increase by about 152,560 gpd for a total of about 218,560 gpd. Wastewater flow will increase by about 93,680 gpd.

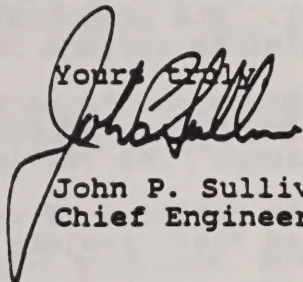
In order to fully evaluate the potential impacts of the proposed project the Commission requests that the following concerns be addressed in the Final Environmental Impact Report:

1. Figure 7.2-1 needs revision. The 48 inch water main on Brookline Avenue is owned by the Commission, not by the MWRA as indicated on the plan. Also, the Commission has a 48 inch water main on Longwood Avenue and on Beacon Street which should be shown. ①
2. A new fire flow test should be conducted for Brookline Avenue since the data submitted by the proponent is somewhat dated (1986). The proponent may contact the Engineering Services Division to arrange for a new fire flow test. ②
3. Plans should be provided which show the locations of the existing water, sewer and storm drain connections and the proposed locations. The services to be abandoned should be indicated. ③
4. An estimate of water required for landscape purposes at the Olmsted Plaza project site should be provided. ④
5. Water conservation measures to be employed indoors and out should be identified. Low flow toilets (1.6 gallons per flush) are required under the State Plumbing Code. Conservation measures such as low water use plantings and irrigation controls should be considered. ⑤
6. The Commission owns two 72 inch storm drains and one 24 inch sanitary sewer which run through the Emerald Necklace site. Plans to restore the park on the site should be reviewed by the Commission prior to construction. ⑥
7. Grease traps will be required in the garage. ⑦
8. The Commission's Infiltration and Inflow (I/I) program focuses on areas where excessive I/I has been identified through flow gaging. Based on an I/I Analysis completed a few years ago we have determined that the proposed project is not located in a high priority area. Therefore, no recommendations for further field work or sewer system rehabilitation in the vicinity of the proposed project is scheduled at this time.
9. The proponent should indicate whether steam condensate from the 3 boilers (mentioned on page 7-18) will be recirculated or will it be discharged to the sewer system. If condensate is to be discharged to the sewer, then an estimate should be provided ⑧
10. On page 4-60 of the DEIR it states that the entire length of the Muddy River is considered Class C water under the Massachusetts Surface Water Quality Standards. The Department of Environmental Protection is currently considering changing the classification of the Muddy River to Class B water. The proponent should note this in the DEIR. ⑨

The proponent is advised to consult with the Commission in the event that future development at the Van Ness site and the Peterborough site will effect the Commission's water or sewer systems.

Thank you for the opportunity to comment on this project.

Yours truly,



John P. Sullivan, Jr. P.E.
Chief Engineer

cc: P. Lee, Olmsted Plaza Associates
S. McCandless, HMM Associates
D. Klabin, BRA
R. Mertens, BRA
S. Shea, BWSC

A/KEITH*/OLMSTED

191 Hamilton Street
Cambridge, Mass. 02139
November 13, 1989

Janet McCabe
Director, Environmental Review
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, Mass. 02202

RECEIVED

NOV 14 1989

Subject : Comments on the Draft Environmental Impact Report
for "Olmsted Plaza" Boston EOEA # 7643 **MEPA**

Dear Ms. McCabe,

The Draft EIR has notable format problems, most critical being printing on only one side, which makes the main volume very bulky and difficult to hold and read. Copy machines are readily available which make two-sided copies. The only excuse for bulky one-sided printing for EIRs is laziness or the intentional production of intimidating reports.

More critical is the lack of inclusion of the MEPA and BRA scopes in the main volume of the report. They appear to have been included in the technical appendix of the DEIR, which was not part of the regular circulation.

The MEPA/EOTC Guidelines for EIR preparations also specify that V/C ratios and queue lengths be included. Unfortunately, this DEIR lists only LOS and average delays, and presents no information on V/C ratios in the text. The Final EIR should present V/C ratios, as well as queue length information. ①

----- TRAFFIC ANALYSIS -----

The EIR presents information on 24 intersections, and generally identifies existing levels of service with reasonable accuracy. Some of the existing average delays appear excessive, but this may be a quirk of the computer models.

My primary concerns with traffic analysis begin on page 3-68. The list of mitigation proposals is almost entirely narrative, and does not include intersection diagrams. Only one of the 19 intersections proposed for mitigation is accompanied by a diagram showing the proposed changes. This presentation makes it difficult to understand the environmental impacts of the mitigation proposals, most notably at the Riverway and Brookline Avenue, where there are proposals to add approach lanes to the Riverway on both approaches. I am sure that both of these changes will require removal of trees and other changes to the surrounding parkland. Sadly, this EIR treats all roadways as if they were mere civil engineering entities. ②

In truth, the Riverway is like Park Drive in that it is a parkway, a park road which is built on park land. As such, any park road is a park element and legally not a public way. One does not deal with the Riverway as if it were Route 1 or Route 9. Have highway engineers learned nothing in the past 20 years?

Generally, the proposals for intersection modifications are difficult to evaluate lacking a diagram, but more importantly they appear to take advantage of quirks in the 1985 Highway Capacity Manual in order to show improvements which may not be attainable in the real world. Some of these changes include :

- * Taking of parkland for roadway purposes
- * Ignoring the effects of short lanes
(see the attached technical paper on the analysis and calculation methods to assess short lanes)
- * Ignoring the effects of capturing through vehicles in painted left-turn-only lanes
- * Undermining or ignoring pedestrian service
- * Setting signal timing to minimize delay, and assuming benefits for signal actuation and interconnection. (The 1985 Capacity Manual includes notorious quirks which permit "credits" for reduced delay resulting from interconnection and/or actuation of signals. These credits are completely unjustified when intersections become congested. The best recourse is to rely exclusively on V/C ratios, not delay at congested locations).
- * Loss of on-street parking, esp. in residential areas
- * Assumptions of no conflicts from illegally parked vehicles or other stopped vehicles.

Individual examples are :

- #1. Park Drive at Beacon : Through vehicles will get caught in the painted left turn lane; right turn lanes will be short and likely to be underutilized. The parking bans will be of limited effectiveness due to their temporal nature and degree of enforcement. Consider the lack of effectiveness of similar peak hour parking bans in the Back Bay area.
- #14. B.U. Bridge at Commonwealth. : Pedestrian conflicts, short lanes, and poor lane utilization are all present here. What assumptions were made relative to pedestrian flows and to traffic increase on the bridge due to development in Cambridge?
- #15. University Road at Commonwealth : This intersection is not signalized. Exiting vehicles from Storrow Drive must turn right onto Commonwealth at an unsignalized intersection. They must pick their gaps in both the traffic stream and the flow of predominantly B.U students on the crosswalk.

In sum, the FEIR should include intersection diagrams of all locations proposed for mitigation, and should include an analysis of the effects of short lanes, mixed lanes and pedestrians explicitly. I am very worried that a computer con game may be played here in the EIR, taking advantage of loopholes and flaws in the Capacity Manual. The primary obligation of an EIR is accuracy and representation of real-world conditions, not adherence to inaccurate and erratic traffic documentation.

===== TRAFFIC AND PARKING =====

The proposal for a 1500-car parking garage implies that (assuming half of these vehicles will be released in the peak hour) there will be a flow of 750 peak hour vehicles from the site. This figure is quite close to the trip generation figures assumed in the DEIR (711-732 exiting vehicles).

Consideration should be given to a half-size garage with special incentives and controls for ride-sharing, similar to the John Hancock parking garage in the BACK Bay. ①

===== TRANSIT =====

In contrast to the suspicious traffic mitigation proposed, I found the transit analysis to be a stunning delight. This is the first time I have ever seen an EIR which shows data on scheduled service vs. actual service, as well as data on the variations in headways. With counts of ridership and calculations of load factors, we are now in the position to evaluate the level of service on the Green Line with something other than our qualitative observations that service is somehow "messed up."

Tables 3.11-1 and 3.11-2 make for a fascinating comparison. The first table should have been more clearly labeled as the Scheduled service while the second table shows what is actually delivered. Instead of 6-8 minute scheduled service, the trains are actually running 3-4 minutes apart, or twice the frequency that the MBTA claims in their schedules. Why are the schedules so fouled up? Do they want to discourage riders? Not be accused of promised too much? Or is it the result of flawed performance evaluation measures which penalize actual service which is worse than scheduled service. I always suspected that the MBTA loosened up on their standards (schedules) in order to fake the achievement of "good service" and this data may be the first evidence of it. No wonder the MBTA is reluctant to allow any third parties to go out and make measurements of its system performance.

The data also shows remarkable variations in arrival times or headways, with a range between 1 and 13 minutes. The scheduled headway time is roughly in the middle of this wide range, but the message still is extraordinarily erratic performance on the Green Line.

The Variations in Load Factor are also very revealing. Cars are going by with only 5-10% of the seats occupied in the peak hour, even in the peak flow direction, while peak directional loads show standees significantly outnumbering seated passengers.

The DEIR properly notes the importance of reliability in service as possibly being more important than capacity (p. 3-98).

My major complaint with the transit analysis is Table 3.11-3, which considers transit levels of service as a function of load factor. It appears that this table is an average used for standard subway cars -- not the LRV trolleys used on the Green Line. The LRVs tend to have more floor area consumed by seats, with lesser room for standees. For example, there is rarely enough room for the aisle width on LRVs to accommodate more than 2 standees. Red Line cars have wall-mounted seats with the capability for at least 4-across standees in the aisles. (3)

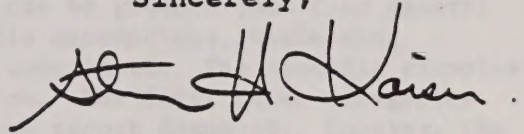
A proper inclusion of LRV design in the load factor/LOS analysis will provide a much more accurate evaluation of congestion on the Green Line. Note that the highest measured Load Factor of 2.5 is only 80% of the "crush load" as defined in the Table. This implies that every train during the day was operating at less than 80% of crush load. Don't tell that to people who regularly ride the Green Line.

The DEIR also considers the Green Line bottleneck at Arlington Street, which is appropriate, but the data on capacity and flows does not include the essential facts on erratic headways and loadings which were measured at the Fenway stop. Average performance on the Green Line means little, given the wide swings in performance. What we need are measurements of headway and loading variations during the peak hour for trains going through Arlington. The MBTA and CTPS may have this information, but it is understandable that they might not be very forthcoming with it. (4)

A good example of the ills of the Green Line can be found in the Prudential Center Redevelopment EIR, just released this month. Table III-20 lists what appears to be service improvements between 1986 and 1988, in terms of more trains and reduced headways. The table shows a calculated 33% increase in system "capacity", yet the counted number of riders has actually dropped by 11 per cent. If empty bunched trains are run along the system, this may explain why service has allegedly "improved" while ridership actually goes down.

I have a great idea for transit mitigation. Let a consortium of HAM, JMB, UDC and Macomber run the Green Line, instead of the MBTA. Things couldn't get much blunderingly worse than they are now, and the developer team has at least demonstrated they have a handle on the erratic nature of service and how to measure it. So let's fire MBTA management and contract out the operations to the developer team. The only alternative would be to contract it out to the Japanese. (20)

Sincerely,



Stephen H. Kaiser, PhD
Traffic & Transportation Engineer

MBTA Comments on Olmsted Plaza DPIR/DEIR

The Olmsted Plaza Draft Project Impact Report and Draft Environmental Impact Report (DRIP/DEIR) contains discussions of current MBTA service near the site (the former Sears Building), and the expected impact of the development on MBTA service and other transportation modes. While it is not the role of the MBTA to comment on the overall DPIR/DEIR, the MBTA has reviewed the sections related to transportation in general and MBTA service in particular. This review has indicated several inaccurate sections that should be addressed and modified as part of the ongoing public review process.

The deficiencies in the DPIR/DEIR can be grouped into four general categories - factual errors, questionable assumptions, misleading analysis, and proposed actions without commitment. The specific examples of these deficiencies are described below. The first three categories can be corrected fairly easily within the report document. However, the fourth category (proposed actions without commitment) is more problematic. Therefore, it will be discussed first.

Proposed Actions Without Commitment

Several references are made to actions that could or should be taken as part of the transportation program to improve access to the development. Many of these "proposals" require added MBTA service, but no reference is made to the additional cost these will impose on the MBTA (as well as the City of Boston and the State, which fund part of the MBTA's costs). While several of the proposed actions may be appropriate, it is unrealistic to expect that major increases in service can be assured given the constraints on MBTA (and State/local) resources. Instead, it may be appropriate for the development to provide direct funding for some of the proposed improvements. For example, the proposed upgrading of Fenway Park Station could be funded by the development, under the "adopt-a-station" concept. This would also underscore the commitment of the developers to public transit, which is so essential to the project's success. Such a direct commitment is not included in the DPIR/DEIR.

One additional action recommended in the DPIR/DEIR as a possible MBTA action that should be considered for direct contribution from the developer is the turnback facility at the Fenway Park station. Because this is a facility in proximity to the development providing direct benefits to the site, it would be appropriate for the development to contribute to its funding.

Other proposed MBTA actions could not be funded as directly, but their costs should be acknowledged. For example, the report proposes an increase in the number of 3-car Green Line trains. This may sound like a simple change, but it would be very costly. Additional cars would have to be purchased and maintained, power costs would increase, and an additional operator would be required for each car added. Using unit cost data from a recent study, the capital cost of purchasing additional Green Line equipment would be about \$1.5 million per car (including spares). The operating cost of adding a third car to peak hour trains

would be about \$200,000 per car per year. To bring the average car length from 2 cars to 2.3 cars on the Riverside Branch alone would require 5 additional cars, resulting in additional costs to the MBTA of \$7.5 million in capital funds and \$1 million per year in operating funds.

Factual Errors

The descriptions of current transit service included several small errors. No particular error is significant by itself, but the cumulative effect may give an inaccurate picture of existing services.

The description of rapid transit service to the site included the Orange Line and Red Line. The nearest Orange Line station (Ruggles) is about one mile away. Ruggles would provide very limited direct access to the site, since virtually all passengers would transfer to a bus to travel this distance. The nearest Red Line station is about two miles away (it is actually Central Square in Cambridge, not Park Street). Clearly, the Red Line does not serve the site except through transfers to the Green Line or buses.

The commuter rail line that is in "close proximity" to the site is the Framingham Line, not the Needham Line. As noted in Chapter 10, Yawkey Station is near the site but trains currently stop at the station only for Red Sox games. No mention is made of Yawkey Station in Chapter 3. Also, trains on the other South Side Commuter Lines have a stop at Ruggles, which is a short bus ride from the site.

The description of bus service does not include Route #47A, a key route serving the area. This route provides service every 5 minutes in the peak periods from Brookline Avenue and Park Drive to Ruggles Station, with half of those trips continuing on to Boston City Hospital. It is a short-turn version of Route #47, providing extra service to the most heavily travelled portion of the route. The description of Route #47 also states that Dudley Square is the termination point of 15 bus routes. Since the opening of the Orange Line Southwest Corridor in 1987, many routes that terminated at Dudley were extended to Ruggles, so both Ruggles and Dudley should be described as major transfer points.

The description of the Green Line includes reference to "published" headways and deviations from schedule. The headways noted on published schedules are in the form "every X minutes or less". They should not be interpreted as average headways, but as maximum scheduled headways for that time period. Also, a statement is made that all four Green Line branches operate between Copley and Lechmere. Only the E Line operates to Lechmere; the C line terminates at North Station and the B and D lines terminate at Government Center.

In the description of the transit services, MASCO is described as a "quasi-public" operator providing bus service to the area. It should be noted in the DPIP/DEIR that the MASCO routes are not available to the

general public. If Olmsted Plaza chooses to join MASCO and contribute funds to its operation, its employees may use these bus routes. However, later references note that the development's possible participation in MASCO is still under investigation. (9)

Questionable Assumptions

Several assumptions are made in the transportation analysis that tend to show higher expected transit use and lower increases in auto traffic. We agree that the project should strive to attain high transit use, but this cannot simply be assumed. Certain critical assumptions need to be explained or justified in more detail in the report. The main assumptions relate to the expected auto/transit mode split. As a starting point to provide an estimated mode split, the existing mode split of two nearby zones in the Longwood Medical Area is assumed to apply to the project site. The two zones chosen are extremely well-served by transit and show a mode split of 56% auto and 44% transit/walk. It is not clear why the project site (which is in a different zone and is served by different routes) would be expected to have as low a percentage of auto trips. Perhaps the mode split of the zone that includes Kenmore Square as well as the site's own zone (zones 95 and 96) should be referenced to provide a basis for comparison. (10)

Then, an even lower percentage of auto use is assumed for certain types of employees, and for many non-work trips. Using data from DPIR/DEIR Tables 3.4-1 and 3.11-14 (which show estimates of total person trips and transit trips), the overall peak hour auto mode split can be calculated to be about 41% -- significantly lower than the 56% observed at two nearby zones noteworthy for their low auto use. (It is unclear why the total person trips shown in Table 3.4-1 is approximately 25% less than the sum of the columns, but using the numbers in the tables produces this estimate of projected mode split.)

The end of Section 3.11 describes actions that are proposed to encourage transit use and reduce auto travel. The conclusion is that promotional efforts can reduce auto use and parking requirements by an additional 10%. Given the high level of transit use already assumed, it seems very optimistic to expect a reduction of that magnitude. The promotional program would be very important in bringing auto use down to the level initially assumed. (11)

Misleading Analysis

The DPIR/DEIR describes detailed analyses of Green Line and bus route capacity, then notes that the analyses are not at the critical link. It is not clear why these studies are presented in the DPIR/DEIR at all, since they provide very little information on available capacity. The tables presented as part of these analyses could easily mislead a reader who does not understand their limitations. (12)

Regarding Green Line capacity, the DPIR/DEIR describes a detailed analysis conducted at Fenway Park Station. The analysis covers over 5 pages (including 4 tables) and appears to show that because trains arrive at Fenway Park Stations at less than capacity load, additional ridership from the development will not overload the line. At the end of this analysis, it is noted that Fenway Park is not necessarily the "bottleneck" Station on the line. Based on data presented later, it is clear that Fenway Park is not the "bottleneck". The analysis of capacity at a point that is not the "bottleneck" (which is usually referred to as the "maximum load point" in the transit industry) is really of no value in evaluating a line's capacity. It is easy to imagine outbound Green Line trains with excess capacity at Fenway Park in the morning, but these trains could be very overcrowded at Park Street. The DPIR/DEIR briefly analyzes capacity at the maximum load point by referencing a study done for the redevelopment of the Prudential Center, but does not provide nearly the same level of detail as it does for the incorrect location. (13)

The analysis of bus service suffers from the same methodological error -- none of the capacity analysis is done at the maximum load point. Again, several pages and tables are devoted to showing how much capacity is available on buses in the vicinity of the project site, even though these same buses may be very full at other points on the route "upstream" from the site and there may not be room for additional riders. It should also be pointed out that this bus capacity analysis (as well as the Green Line analysis) is based on observations made during the summer. These routes normally have very high student ridership, so the analysis of capacity based on August counts adds another misleading element. After the long analysis, it is finally noted in a brief sentence that the demand assessment was conducted at stops that "may not necessarily be the critical link on the route." The bus capacity analysis is so misleading that it should be removed from the document. (14)

In the description of future levels of demand, it is estimated that by 1995, the eastbound Green Line will be operating at 111% of capacity. One method suggested by the DPIR/DEIR for dealing with this problem is to improve Green Line schedule adherence. This improvement is an important goal of the MBTA, and steps are being taken to carry it out. For example, the MBTA is installing a vehicle identification system that will assist in the dispatching of vehicles at regular intervals. However, it should be acknowledged that schedule adherence is a very difficult problem for a line with the characteristics of the Green Line. The Green Line experiences delays from surface operation mixing with street traffic (similar to a bus), but because it is a rail operation, vehicles cannot pass each other and any one delay can have an effect on many trains. In any case, it is quite misleading to imply that improved schedule adherence can move a line from over capacity to under capacity. The estimate of demand at 111% of capacity means that even if trains and passengers arrive at uniform rates, each train would still be 11% over its capacity. If there is any disruption in service or irregular arrivals, certain trains would be even more overcrowded. (15)

The DPIR/DEIR's reference to Green Line capacity should also recognize the "effective" capacity of a line with the Green Line's characteristics. The Green Line serves both the trip collection and line-haul functions of transit, while providing a single-seat ride to many passengers. By providing the functionality of both a rail and a bus system, the service must deal with the difficulties noted in the discussion of operations. Thus, improvements in reliability can be made up to a certain level, but absolute regularity in service is not theoretically possible. It would be possible and more informative to estimate an "effective capacity" at some lower level than total scheduled capacity. The effective capacity would be based on an estimate of maximum achievable reliability.

(16)

APPENDICES

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